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Monday  
June 14, 1982

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## Selected Subjects

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Environmental Protection Agency

### Aviation Safety

Federal Aviation Administration

### Conflict of Interests

Historic Preservation, Advisory Council

### Credit

Farm Credit Administration

### Equal Access to Justice

Consumer Product Safety Commission

### Freight Forwarders

Federal Maritime Commission

### Gold

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### Government Procurement

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### Grant Programs—Transportation

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### Loan Programs—Energy

Conservation and Renewable Energy Office

### Maritime Carriers

Federal Maritime Commission

### Milk Marketing Orders

Agricultural Marketing Service

### Natural Gas

Federal Energy Regulatory Commission

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# Presidential Documents

Title 3—

Proclamation 4946 of June 10, 1982

The President

National Child Abuse Prevention Week, 1982

By the President of the United States of America

## A Proclamation

Each year, more than one million children are the victims of child abuse and child neglect. These children represent every racial, religious, and socioeconomic group, and the suffering they endure poses a threat to our families and to our society as a whole.

Most instances of child abuse and child neglect are not caused by inhuman, hateful intent but by the accumulation of stresses experienced by parents attempting to meet their responsibilities. If parents can get help in coping with the pressures in their lives and if communities support preventive programs to assist parents and others responsible for the care of their children, young lives can be saved and suffering prevented.

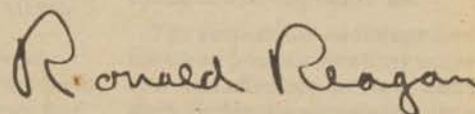
The health and well-being of our children is and must continue to be one of our Nation's highest priorities.

The Congress, by Senate Joint Resolution 149, has recognized the magnitude of the problem of child abuse by requesting me to designate June 6 through June 12, 1982, as National Child Abuse Prevention Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of June 6 through June 12, 1982, as "National Child Abuse Prevention Week." I urge all citizens to renew our Nation's commitment to meet the serious challenge which child abuse and child neglect pose to the welfare of our children and families.

I especially invite the Governors of the States and the Commonwealth of Puerto Rico; the heads of voluntary and private groups; and the offices of local, State, and Federal government to join in this observance. I urge them to encourage activities whose purpose is to prevent and treat child abuse and child neglect.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.



Presidential Seal of June 17, 1962

National Child Labor Relations Act, 1962

The President

By the President of the United States of America

I, the President

have been informed that the National Child Labor Relations Act, 1962, is a bill to amend the National Labor Relations Act, 1935, to provide for the establishment of a National Child Labor Relations Board, and for other purposes.

Most important of all, it will provide for the establishment of a National Child Labor Relations Board, which will have the authority to hear and decide cases involving the rights of children to work, and to enforce the provisions of the Act. It will also have the authority to hear and decide cases involving the rights of children to work, and to enforce the provisions of the Act.

The Board will have the authority to hear and decide cases involving the rights of children to work, and to enforce the provisions of the Act. It will also have the authority to hear and decide cases involving the rights of children to work, and to enforce the provisions of the Act.

The Board will have the authority to hear and decide cases involving the rights of children to work, and to enforce the provisions of the Act. It will also have the authority to hear and decide cases involving the rights of children to work, and to enforce the provisions of the Act.

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby command that the National Child Labor Relations Act, 1962, be so enacted.

I hereby certify that the National Child Labor Relations Act, 1962, is a bill to amend the National Labor Relations Act, 1935, to provide for the establishment of a National Child Labor Relations Board, and for other purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Office of the President of the United States at the City of Washington, District of Columbia, this 17th day of June, 1962.

Lyndon B. Johnson



# Rules and Regulations

Federal Register

Vol. 47, No. 114

Monday, June 14, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1106

(Milk Order No. 106)

#### Milk in the Oklahoma Metropolitan Marketing Area; Order Suspending Certain Provisions

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Suspension of rules.

**SUMMARY:** This action continues for an additional month an earlier suspension of certain provisions of the Oklahoma Metropolitan Federal milk order. The suspension, which applies to June 1982, reduces the amount of milk that a supply plant must ship to pool distributing plants in order to qualify as a pool plant. Also, the suspension increases the amount of milk that may be moved directly from farms to nonpool plants for manufacturing and still be priced under the order. The continuation of the earlier suspension for April and May was requested by a producer cooperative association because milk production will continue to be considerably in excess of fluid milk sales in June. Thus, the suspension is needed to assure the efficient disposition of reserve milk supplies and to assure that dairy farmers who have regularly supplied the fluid milk needs of the market will continue to have their milk pooled and priced under the order.

**EFFECTIVE DATE:** June 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4824.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Notice of Proposed Suspension: Issued May 20,

1982; published May 25, 1982 (47 FR 22544).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

It has also been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension on a timely enough basis for it to be effective for the month of June 1982. In this instance, the initial request for this action was received on May 17, 1982. A notice of proposed suspension was issued on May 20, 1982, inviting interested parties to submit comments on the proposed action on or before June 1, 1982.

It has also been determined that this action will not have a major economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area.

Notice of proposed rulemaking was published in the Federal Register (47 FR 22544) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information it is hereby found and determined that for the month of June 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.7(b), that part of the provisions that reads "until any month of such period in which less than 20 percent of the plant receipts and

diverted milk specified previously herein is transferred to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such January-August period shall be qualified under this paragraph in any remaining month of the year only if transfers of fluid milk products (except filled milk) from the plant during the month to plant(s) described in paragraph (a) of this section are at least 50 percent of the plant receipts and diverted milk specified previously herein".

2. In § 1106.13(e)(1), that part of the provisions that reads ", subject to the conditions of paragraph (e)(3) of this section, a total quantity of milk not in excess of total" and "received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association".

3. In § 1106.13(e)(2), that part of the provisions that reads ", subject to the conditions of paragraph (e)(3) of this section," and ", in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler".

4. In § 1106.13, paragraph (e)(3).

#### Statement of Consideration

The suspension continues for the month of June an identical suspension that was effective for April and May 1982. Under the suspension, the amount of milk that supply plants must ship to pool distributing plants to attain pool plant status is reduced in that only one shipment to a pool distributing plant would be needed to pool a supply plant that was pooled during each of the immediately preceding months of September through December. The action also increases the amount of milk that may be moved directly from farms



to nonpool manufacturing plants and still be priced under the order. Without the suspension, diversions would be limited to producers who deliver not less than 15 percent of their producer milk to pool plants. In addition, diversions to nonpool plants by proprietary handlers and cooperatives could not exceed the quantity of producer milk received at pool plants.

A continuation of the suspension was requested by a cooperative association that represents producers who supply the market. The cooperative indicated that the same imbalance between fluid requirements and production that existed in April and May is expected to continue in June. The cooperative stated that, although milk production appears to have reached its peak, there appears to be no indication of a decrease in production. Consequently, the cooperative anticipates that milk production will hold close to present levels well into June while fluid milk sales in June will be below April and May levels due to schools being closed.

Because of the continuation of the imbalance between fluid milk sales and production, greater than normal quantities of milk will have to be moved to manufacturing outlets for surplus disposal. In the absence of the suspension for the month of June, costly and inefficient movements of milk would have to be made by handlers solely for the purpose of assuring that the milk of dairy farmers who have regularly supplied the fluid milk needs of the market would continue to be pooled under the order.

Interested parties were given an opportunity to submit written data, views, or arguments concerning the suspension and no views in opposition to the suspension were received. The operator of a proprietary pool supply plant supported the continuation of the earlier suspension because the supply-demand imbalance is exacerbated by a reduction in fluid milk sales due to school closings.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the market;

(b) This suspension does not require of persons affected substantial or

extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective June 14, 1982.

#### List of Subjects in 7 CFR Part 1106

Milk marketing orders, Milk, Dairy products.

*It is therefore ordered*, That the aforesaid provisions of the order are hereby suspended for the month of June 1982.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: June 14, 1982.

Signed at Washington, D.C. on: June 9, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-15963 Filed 6-11-82; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 82-ASO-22]

#### Alteration of Transition Area, Bainbridge, Georgia

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment will revoke that portion of the Bainbridge, Georgia, Transition Area associated with Commodore Decatur Airport as instrument flight rule (IFR) operations at the airport have been cancelled. This action will raise the base of controlled airspace from 700 feet to 1,200 feet above the surface in the vicinity of the airport.

**DATES:** Effective date: 0901 G.m.t., September 2, 1982. Comments must be received on or before August 15, 1982.

**ADDRESSES:** Send comments on the rule in triplicate to:

Federal Aviation Administration, ATTN: Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320;

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive,

East Point, Georgia 30344, telephone: (404) 763-7646.

#### FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments on the Rule

Although this action is in the form of a final rule, which involves alteration of the Bainbridge, Georgia, Transition Area by revoking that airspace associated with Commodore Decatur Airport, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

##### The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke that portion of the Bainbridge, Georgia Transition Area that was designated for containment of instrument flight operations conducted at Commodore Decatur Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to revoke that portion of the transition area which is no longer required for instrument flight operations. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective in less than 45 days after its publication in the Federal Register.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.



**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., September 2, 1982, as follows:

**Bainbridge, Georgia—Revised**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Decatur County Industrial Airport (Lat. 30°58'14"N., Long. 84°37'53"W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 28, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-15900 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 82-ASO-17]

**Alteration of Transition Area, Clemson, South Carolina**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment alters the description of the Clemson, South Carolina, Transition Area by correcting the names of two air navigational aids. No change in airspace is intended.

**DATES:** Effective date: 0901 G.m.t., September 2, 1982. Comments must be received on or before July 15, 1982.

**ADDRESSES:** Send comments on the rule in triplicate to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320;

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone: (404) 763-7646.

**FOR FURTHER INFORMATION CONTACT:**

Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

**SUPPLEMENTARY INFORMATION:****Request for Comments on the Rule**

Although this action is in the form of a final rule, which involves correcting the names of two air navigational aids, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

**The Rule**

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to correct the name Oconee RBN to Clemson RBN and the name Pickens RBN to Lake Keowee RBN in the description of the Clemson, South Carolina, Transition Area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to reflect the correct name of the air navigational aids upon which portions of the Clemson, South Carolina, Transition Area are designated. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective in less than 45 days after its publication in the Federal Register.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Airspace, Transition area.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., September 2, 1982, as follows:

**Clemson, South Carolina, Amended**

By removing the words " \* \* \* Oconee RBN \* \* \* " and " \* \* \* Pickens RBN \* \* \* " and substituting for them the words " \* \* \* Clemson RBN \* \* \* " and " \* \* \* Lake Keowee RBN \* \* \* ".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 28, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-15901 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 82-ASO-5]

**Alteration of Transition Area, Jackson, Miss.**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will alter the Jackson, Mississippi, Transition Area by lowering the base of controlled airspace from 1,200 feet to 700 feet above the surface in the vicinity of the John Bell Williams Airport to accommodate an instrument approach procedure which is being developed to serve the airport. It will also revoke a 700-foot transition area arrival extension which is located north of Hawkins Field.

**EFFECTIVE DATE:** 0901 G.m.t., October 28, 1982.



**FOR FURTHER INFORMATION CONTACT:**

Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

**SUPPLEMENTARY INFORMATION:****History**

On Thursday, March 25, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by lowering the base of controlled airspace in the vicinity of John Bell Williams Airport to accommodate an instrument approach procedure which is being developed to serve the airport (47 FR 12808). During the comment period it was determined that a 700-foot transition area arrival extension associated with Hawkins Field (which is also located in the Jackson, Mississippi, Transition Area) was no longer required and should be revoked. The arrival extension was previously designated to provide controlled airspace for aircraft executing the VOR-A instrument approach procedure to Hawkins Field. However, an Instrument Landing System to serve Hawkins Field has recently been established and this negates the need for the VOR-A instrument approach procedure and associated arrival extension. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received in response to this publication. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations alters the Jackson, Mississippi, Transition Area to provide controlled airspace for aircraft executing a new instrument approach procedure at the John Bell Williams Airport. In addition, a transition area arrival extension, which is no longer required for aircraft operations at Hawkins Field, is revoked.

The operating status of the John Bell Williams Airport is changed from VFR to IFR.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Airspace, Transition area.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., October 28, 1982, as follows:

**Jackson, Mississippi [Amended]**

By deleting the words " \* \* \* within 3 miles each side of the Jackson VORTAC 194° radial, extending from the 8-mile radius area to the VORTAC \* \* \* " and substituting for them the words " \* \* \* within an 8.5-mile radius area of John Bell Williams Airport (Lat. 32°18'12"N., Long. 90°24'30"W.) \* \* \* " (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on May 28, 1982.

J. Stiglin,  
Acting Director, Southern Region.

[FR Doc. 82-15959 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 91**

[Docket No. 22050; Reference SFAR No. 44-3]

**Air Traffic Control System; Interim Operations Plan; Transfers and Exchanges of Slots**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of extension of policy and request for comments.

**SUMMARY:** Because of the limited capacity of the Air Traffic Control System resulting from the illegal air traffic controllers' strike, authority to land ("slots") at 22 of the Nation's busiest airports has been allocated to air carriers by the Federal Aviation Administration (FAA) under the Interim

Operations Plan, Special Federal Aviation Regulation (SFAR) Nos. 44 through 44-3. Once allocated, the slots, which are assigned by hour, become part of a carrier's "operating base." Initially, allocation procedures did not provide for changes in a carrier's slot allocation.

In order to provide the airlines with more flexibility in scheduling, particularly for the upcoming summer scheduling season, a Notice of Policy issued May 6 (47 FR 19989; May 10, 1982) announced that the FAA would recognize transfers of slots between air carriers. That policy was to be in effect until June 10. Because of the allocation in early June of new slots by the FAA for the rest of the summer season (August 1 through October 25), the transfer policy will be continued an additional two weeks.

The FAA will therefore continue to accept applications for transfers of arrival slots in accordance with the May 10 Notice of Policy until 5 p.m. June 24, but proposes to terminate the transfer policy that permits carriers to buy and sell slots thereafter. The FAA does, however, propose to continue to accept, after June 24, the exchange or trade of slots, but not necessarily on a one-for-one basis. Comments on these proposed actions are requested from all interested parties; those received by June 21 will be considered before a final decision is reached on whether the transfer policy should be terminated.

**DATE:** Comments must be received on or before June 21, 1982.

**ADDRESS:** Mail comments on the proposal in duplicate to: Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22050, Federal Aviation Administration, Washington, D.C. 20591; or deliver them to: Room 915G, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket, weekdays except federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Donald R. Segner, Associate Administrator for Policy and International Aviation, Federal Aviation Administration, Washington, D.C. 20591; 202-426-3030, or Franklin K. Willis, Deputy Assistant Secretary for Policy and International Affairs, Office of the Secretary of Transportation, Washington, D.C. 20590; 202-426-4540.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the



proposed policy by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the policy will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22050." The postcard will be dated, time stamped, and returned to the commenter.

#### Availability of Notice

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this notice. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular 11-2, which describes the application procedures.

#### Background and Discussion

The actions of certain air traffic controllers in August of 1981 reduced the number of controllers available to operate the Air Traffic Control (ATC) system. In order to assure the safe and efficient use of the navigable airspace, the FAA has been obliged to ration the limited ATC system capacity among users. It has done so by assigning "slots" (authority to land) under a series of emergency regulations (SFAR No. 44 (46 FR 30606; August 4, 1981); SFAR No. 44-1 (46 FR 44424; September 4, 1981); SFAR No. 44-2 (46 FR 48906, October 5, 1981); and SFAR No. 44-3 (47 FR 7816, February 22, 1982)).

Airlines began the period of restricted operations with a "base" number of slots at the Nation's 22 busiest airports

derived from their pre-strike planned operations. As the capacity of the ATC system has increased, additional slots have been awarded in response to requests by the carriers under procedures prescribed in SFARs 44-1, 44-2, and 44-3. These regulations also provide that air carriers must use slots awarded to them or lose them from their operating bases.

Because SFAR No. 44-3 does not provide for adjustments in slot assignments that may be occasioned by seasonal variations in demand, competitive pressures, or economic decisions of the carriers, the FAA has been receptive to efforts to add flexibility to the slot allocation system. To this end, the FAA withdrew its opposition to an air carrier request for antitrust immunity from the CAB to permit trades of slots between carriers under a procedure administered by the ATA. While that procedure has been successful in increasing scheduling flexibility among the carriers, the CAB-imposed anonymity requirement has made it difficult for the carriers to consummate trades. Thus, the FAA in May issued a Notice of Policy (47 FR 19989; May 10, 1982) designed to test a procedure that might provide still greater flexibility to the allocation procedures.

Under that Policy, the FAA has accepted transfers of slots between carriers in any number, without requiring an exchange or trade, and regardless of any consideration other than slots involved in the transfer. To register a transfer, a carrier has been obliged only to provide evidence that the transferor of a slot agreed to the transfer. When the FAA has verified that the slot or slots transferred were actually in the transferor's base and that they were not necessary for the provision of essential air service, it has "approved" the transaction and added the transferred slot to the transferee's base.

As of June 7, 33 transfer requests had been received by the FAA. Eighteen had been acted upon; 11 were approved, 6 disapproved, and 1 partially approved. Two of the seven disapprovals fell outside the policy guidelines. The other disapprovals had inadequate information and may be resubmitted. Thus the administrative burden of the program has not been substantial.

The purpose of the experimental policy has been to provide the agency with experience to evaluate the long-term policy consequences of transfers for consideration. The timing was selected to provide additional flexibility to the carriers in adjusting their summer

schedules. By mid-June, the FAA will have informed the carriers of their allocation of new and additional slots for the scheduling period August 1 to October 25. Depending on what slots they have been allocated, carriers may now desire to make further transfers to complete their summer schedule adjustments. Therefore, in accordance with the original purpose of the experiment, requests to transfer under the May 10 Policy will be accepted until June 24, 1982.

The Policy has met with some public opposition. Concerns with the transfer of slots for consideration have been expressed by airport operators, public officials, including Members of Congress, and, on behalf of the air carriers themselves, the Air Transport Association and the Regional Airline Association.

After termination, the FAA proposes to continue to allow a high degree of flexibility with respect to the trading or exchange of slots. Carriers would be permitted to exchange slots in any numbers, not necessarily on a slot-for-slot basis. Such transactions would be submitted in accordance with the following terms, which are basically the same as those that have been in effect under the May 10 Policy:

1. Any slot or slots to be exchanged after June 24 would have to come from the carriers' FAA-approved June 1-July 31 operating base, as determined under SFAR 44-3. Later FAA-approved bases would be used for exchanges in the future.

2. All requests for approval would have to be submitted in writing to the Associate Administrator for Policy and International Aviation, API-1, Federal Aviation Administration, Washington, D.C. 20591 in the same format as slot requests submitted under SFAR No. 44-3. Exchange requests combined with other requests under the SFAR (such as slides) would not be accepted.

3. Written evidence of both carriers' consent to the exchange must be provided.

4. A record of the exchange will be made available to the public.

5. Exchanges that would reduce the number of slots allocated to an air carrier that has been afforded priority treatment in the distribution of new slots under paragraph 3(c) of the Appendix to SFAR No. 44-3 (certain new entrant airlines) would not be approved unless the carrier waives its right to be considered a "new entrant" in future distributions under the Interim Operations Plan.

6. Exchanges of slots necessary for the provision of essential air service within



the meaning of section 419 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1389, would not be approved.

The provisions of SFAR No. 44-3 or any amendments to it would continue to apply. In particular, it should be noted that only carriers may hold slots, and that a single slot covers only an arrival in a given hour at a single airport. In addition, for the present, the exchange of "tower en route" and ARTCC slots would not be "approved."

Affirmative approval would have to be obtained from the FAA before slots may be used. The FAA anticipates that properly documented exchange requests would be approved within two weeks of the receipt of a request.

Finally, all interested parties are reminded that a slot is a temporary creation of FAA emergency regulations, and does not confer on any carrier a long-term right. Slots can be taken from any carrier in accordance with the terms of the existing SFAR or any amendments to it. Moreover, the FAA does not guarantee that slots will be required at any airport for any particular period of time. As soon as possible, the FAA intends to relieve the carriers from the requirement of obtaining slots.

Comments are requested on both the proposal to terminate the transfer policy and the proposal to allow the exchange of slots. Comments received by June 21 will be taken into account in reaching a decision on the two proposals. Comments and other proposals on future slot exchange and transfer policy are welcome at any time, and should be sent to the rulemaking docket identified above.

(49 U.S.C. 1301 et seq. and 49 U.S.C. 1651 et seq.)

Issued at Washington, D.C. on June 10, 1982.

J. Lynn Helms,  
Administrator.

[FR Doc. 82-16076 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 97

[Docket No. 23079; Amdt. No. 1218]

### Standard Instrument Approach Procedures

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are

needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATED:** An effective date for each SIAP is specified in the amendatory provisions.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

#### For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

**By Subscription—**Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

#### FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by

reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

#### Adoption Of The Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending,



suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

\*\*\* Effective September 2, 1982.

Smith Center, KS—Smith Center Muni, VOR/DME-A, Original

\*\*\* Effective August 5, 1982

Estherville, IA—Estherville Muni, VOR/DME-A, Original

Akron, CO—Akron-Washington Co., VOR Rwy 27, Amdt. 5

Groton (New London), CT—Groton-New London, VOR Rwy 23, Amdt. 4

Boise, ID—Boise Air Terminal (Gowen Field), VOR Rwy 10L/R, Amdt. 18

Boise, ID—Boise Air Terminal (Gowen Field), VOR Rwy 10L/R, Amdt. 4

Plymouth, MA—Plymouth Muni, VOR-A, Amdt. 1

Plymouth, MA—Plymouth Muni, VOR/DME Rwy 15, Amdt. 1

Corvallis, Or—Corvallis Muni, VOR-A, Amdt. 5

Corvallis, Or—Corvallis Muni, VOR-B, Amdt. 3

Corvallis, Or—Corvallis Muni, VOR/DME Rwy 17, Amdt. 3

Corvallis, Or—Corvallis Muni, VOR/DME Rwy 35, Amdt. 6

Gloucester, VA—Gloucester, VOR-A, Amdt. 6

\*\*\* Effective July 22, 1982

Modesto, CA—Modesto City-County-Harry Sham Fld, VOR Rwy 10L, Amdt. 8, cancelled

Muscle Shoals, AL—Muscle Shoals, VOR Rwy 29, Amdt. 24

Benton, AR—Saline County, VOR-A, Amdt. 6

Oakdale, CA—Oakdale, VOR Rwy 10, Amdt. 2

LaGrange, GA—Callaway, VOR Rwy 13, Amdt. 13

Russellville, KY—Russellville-Logan County, VOR/DME Rwy 24, Amdt. 1

Holly Springs, MS—Holly Springs-Marshall County, VOR Rwy 18, Amdt. 5

Tonopah, NV—Tonopah, VOR-A, Amdt. 2

Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 4, Amdt. 12

Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 22, Amdt. 3

Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 28, Amdt. 4

\*\*\* Effective July 8, 1982

Dodge City, KS—Dodge City Muni, VOR Rwy 14, Amdt. 14

Dodge City, KS—Dodge City Muni, VOR/DME 32, Amdt. 2

\*\*\* Effective June 1, 1982

Emporia, KS—Emporia Muni, VOR-A, Amdt. 11

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

\*\*\* Effective August 5, 1982

Abingdon, VA—Virginia Highlands, VOR/DME-B, Amdt. 2

\*\*\* Effective July 22, 1982

Burbank, CA—Burbank-Glendale-Pasadena, LOC Rwy 7, Original

Columbus, OH—Port Columbus Intl, LOC BC Rwy 28R, Amdt. 4

Corpus Christi, TX—Corpus Christi Intl, LOC Rwy 31, Original

Corpus Christi, TX—Corpus Christi Intl, LOC BC Rwy 31, Amdt. 9, cancelled

McAllen, TX—Miller Intl, LOC BC Rwy 31, Amdt. 3

\*\*\* Effective July 8, 1982

Clovis, NM—Clovis Muni, LOC Rwy 3, Original

Olean, NY—Olean Muni, LOC Rwy 22, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

\*\*\* Effective September 2, 1982

Junction City, KS—Junction City Muni, NDB-B, Original

\*\*\* Effective August 5, 1982

Boise, ID—Boise Air Terminal (Gowen Field), NDB Rwy 10R, Amdt. 25

Plymouth, MA—Plymouth Muni, NDB Rwy 6, Amdt. 4

Abingdon, VA—Virginia Highlands, NDB-A, Amdt. 1

\*\*\* Effective July 22, 1982

Searcy, AR—Searcy Muni, NDB Rwy 1, Amdt. 2

De Ridder, LA—Beauregard Parish, NDB Rwy 18, Amdt. 2, cancelled

De Ridder, LA—Beauregard Parish, NDB Rwy 38, Amdt. 1, cancelled

Albemarle, NC—Stanly County, NDB Rwy 4, Orig.

Columbus, OH—Port Columbus Intl, NDB Rwy 10R, Amdt. 3

Columbus, OH—Port Columbus Intl, NDB Rwy 10L, Amdt. 3

Columbus, OH—Port Columbus Intl, NDB Rwy 28L, Amdt. 12

Oxford, OH—Miami University, NDB Rwy 4, Amdt. 7

Clarksville, TN—Outlaw Field, NDB Rwy 16, Amdt. 4, cancelled

\*\*\* Effective July 8, 1982.

Topeka, KS—Forbes Field, NDB Rwy 31, Amdt. 5

Clovis, NM—Clovis Muni, NDB Rwy 3, Original

\*\*\* Effective May 21, 1982

Rochester, MN—Rochester Muni, NDB Rwy 31, Amdt. 18

\*\*\* Effective March 25, 1982

Ft. Scott, KS—Ft. Scott Muni, NDB Rwy 17, Amdt. 6

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

\*\*\* Effective August 5, 1982

Groton (New London), CT—Groton-New London, ILS Rwy 5, Amdt. 6

Boise, ID—Boise Air Terminal (Gowen Field), ILS Rwy 10R, Amdt. 4

\*\*\* Effective July 22, 1982

Birmingham, AL—Birmingham Muni, ILS Rwy 5, Amdt. 34

Burbank, CA—Burbank-Glendale-Pasadena, ILS Rwy 7, Amdt. 30

Kankakee, IL—Greater Kankakee, ILS Rwy 4, Amdt. 3

Columbus, OH—Port Columbus Intl, ILS Rwy 10R, Amdt. 2

Columbus, OH—Port Columbus Intl, ILS Rwy 10L, Amdt. 10

Columbus, OH—Port Columbus Intl, ILS Rwy 28L, Amdt. 25

Corpus Christi, TX—Corpus Christi Intl, ILS Rwy 13, Amdt. 20

Corpus Christi, TX—Corpus Christi Intl, ILS Rwy 35, Amdt. 5

\*\*\* Effective July 8, 1982

Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS Rwy 27R, Orig.

Topeka, KS—Forbes Field, ILS Rwy 31, Amdt. 5

\*\*\* Effective June 2, 1982

Monroe, LA—Monroe Regional, ILS Rwy 4, Amdt. 18

Monroe, LA—Monroe Regional, ILS Rwy 22, Amdt. 1

\*\*\* Effective May 27, 1982

Knoxville, TN—McGhee-Tyson, ILS Rwy 22R, Amdt. 6

\*\*\* Effective May 21, 1982

Rochester, MN—Rochester Muni, ILS Rwy 13, Amdt. 2

Rochester, MN—Rochester Muni, ILS Rwy 31, Amdt. 17

5. By amending § 97.31 RADAR SIAPs identified as follows:

\*\*\* Effective July 22, 1982

Savannah, GA—Savannah Muni, RADAR-1, Amdt. 4

Dallas, TX—Dallas Love Field, RADAR-1, Amdt. 23

\*\*\* Effective July 8, 1982

Kodiak, AK—Kodiak, RADAR-1, Amdt. 2, cancelled

6. By amending § 97.33 RNAV SIAPs identified as follows:

\*\*\* Effective August 5, 1982

Estherville, IA—Estherville Muni, RNAV Rwy 34, Original

Manchester, NH—Manchester Airport-Grenier Industrial Airpark, RNAV Rwy 6, Amdt. 1

Philadelphia, PA—Philadelphia Intl, RNAV Rwy 17, Amdt. 3

\*\*\* Effective July 22, 1982

LaGrange, GA—Callaway, RNAV Rwy 31, Amdt. 1

Dowagiac, MI—Cass County Meml, RNAV Rwy 9, Amdt. 4

Oxford, OH—Miami University, RNAV Rwy 4, Amdt. 3

\*\*\* Effective June 1, 1982

Emporia, KS—Emporia Muni, RNAV Rwy 18, Amdt. 5

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 [49 U.S.C. 1348, 1354(a), 1421, and 1510; sec. 6(c), Department of



Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3)).

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on June 4, 1982.

**Note.**—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 82-15932 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1025

#### Equal Access to Justice Act Regulation

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Consumer Product Safety Commission issues its final regulation implementing the Equal Access to Justice Act (EAJA) which took effect October 1, 1981. The purpose of the EAJA and the Commission's regulation is to provide for the award of fees and expenses to eligible parties who prevail over the Commission in certain adversary adjudicative proceedings unless the position of the Commission is substantially justified. An additional purpose of the EAJA and the Commission's regulation is to establish uniform procedures for making awards of fees and expenses.

**EFFECTIVE DATE:** June 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Eric N. Wise or Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone: (301) 492-6980.

**SUPPLEMENTARY INFORMATION:** The Equal Access to Justice Act (hereinafter, the "EAJA"), Pub. L. No. 96-481, 94 Stat. 2325, 5 U.S.C. 504, mandates agencies to establish uniform procedures for the

submission and consideration of applications for an award of fees and other expenses to qualified parties who prevail over the government in certain adversary administrative proceedings.

The Act applies to adversary adjudicative proceedings conducted by the Commission and which are pending at any time between October 1, 1981 and September 30, 1984, regardless of when they were initiated or when final Commission action occurs. 5 U.S.C. 504, note. These are adjudications which, pursuant to 5 U.S.C. 554, are "required by statute to be determined on the record after opportunity for an agency hearing." Covered adversary adjudicative proceedings are identified in § 1025.70(c) of this rule. This rule also governs proceedings designated by Commission order as an adjudicative proceeding for purposes of the EAJA. Furthermore, if the Commission does not designate a proceeding as an adversary adjudication, that will not preclude a party who believes the proceeding is covered by the EAJA from filing an application.

In an effort to promote uniformity of procedures, the Administrative Conference of the United States ("Administrative Conference") developed draft model rules to implement the EAJA and solicited comment from all affected agencies. The Administrative Conference issued a model regulation, 46 FR 32900 (June 25, 1981), and has encouraged agencies to follow its model regulation where possible in adopting the agencies' regulations. The Commission's regulation tracks the model regulation with few exceptions.

The Commission published its proposed regulation in the *Federal Register* of November 19, 1981 (46 FR 223). Interested persons may refer to that *Federal Register* notice for a summary of the highlights of the Commission's regulation. The Commission's regulation implementing the EAJA will appear as new subpart H, section 1025.70 *et seq.*, to the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025.

#### Discussion of Comments

Two persons, a toy manufacturer and the Administrative Conference of the United States, commented on the Commission's proposed regulation of November 19, 1981. The manufacturer expressed support for the Commission's proposed regulation, but suggested that the scope (Section 1025.70(a)) of the regulation be broadened so as to award fees to prevailing parties regardless of whether the Commission's position was

"substantially justified." The issue of substantial justification received much Congressional attention during the debates and hearings that preceded enactment of the EAJA. The Department of Justice's *Guide on the Equal Access to Justice Act* provides a review of the legislative history concerning this issue. The Commission, however, is unable to broaden the scope of the Commission's regulation as suggested by the commenter since the EAJA (specifically 5 U.S.C. 504(a)(1)) states that an award of fees will not be made if the position of the agency is substantially justified or that special circumstances make an award unjust. Furthermore, 5 U.S.C. 504(a)(2) requires that a party seeking an award of fees and expenses affirmatively allege that the position of the agency was not substantially justified. The Commission cannot circumvent the statutory requirements of the EAJA.

According to the Judiciary Committee Reports of the United States Senate (S. Rep. No. 253, 96th Cong., 1st Sess. 6-7 (1979) and the House (H.R. Rep. No. 1418, 96th Cong., 2d Sess. 10-11 (1980)), the standard of substantial justification represents a compromise between the dual standards under the Civil Rights Act as articulated in *Newman v. Piggie Park*, 390 U.S. 400 (1968) (prevailing plaintiffs should ordinarily recover their attorney fees) and *Christianburg Garment Co. v. Equal Employment Opportunity Commission*, 434 U.S. 412, at 421 (1978) (prevailing defendants should recover fees only upon a finding that a plaintiff's action was frivolous, unreasonable or without foundation). The Department of Justice, Office of Legal Policy's *Guide on the Equal Access to Justice Act* provides a thorough discussion of the issue of substantial justification and burden of proof.

Congress has characterized the standard as one of reasonableness. According to the legislative history of the Act, the language "substantially justified" was adopted from the standard in Rule 37 of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 37). More specifically, Fed. R. Civ. P. 37(a)(4) provides that reasonable expenses, including attorney's fees, shall be awarded to the prevailing party on a motion for an order compelling discovery unless the court finds that the position of the losing party was "substantially justified."

According to the notes of the Advisory Committee on Civil Rules concerning the 1970 amendments to Rule 37(a)(4), an award is contemplated only where no genuine dispute exists. By



expressly adopting the Rule 37(a)(4) standard in the Act. Congress has indicated that fees should not be awarded against the government unless the government's position is found to be unreasonable or the government has sued or defended in a situation where no genuine dispute exists.

Based upon the aforementioned analysis of the standard of substantial justification, much of which was provided by the Department of Justice's *Guide on the Equal Access to Justice Act*, the text of the Commission's regulation at Section 1025.70(a) has not been changed as suggested by the manufacturer.

The Administrative Conference of the United States provided two comments concerning the Commission's proposed regulation. The first comment pertains to proposed § 1025.70(f)(2), the second sentence of which states that "no award to compensate an expert witness may exceed the highest rate at which the Commission is authorized to pay expert witnesses." The Administrative Conference believes that the figure representing the highest rate should be included in the text of the regulation, or the source authorizing such a figure should be cited.

The relevant provision which prescribes the highest rate at which the Commission would be authorized to pay expert witnesses is Section 408 of the HUD-Independent Agencies Appropriations Act of 1981, Pub. L. No. 96-526, 94 Stat. 3065. The Commission agrees that inclusion of an amendment stating the statutory authorization of such a payment could initially clarify potential questions. The Commission believes, however, that the clarification benefits from such an amendment are outweighed by the potential confusion and expense incurred by amending this regulation should this rate of compensation change in the future. If applicants for fees have any questions concerning recoverable expenses they can obtain assistance from the Commission staff.

The second comment made by the Administrative Conference pertains to proposed § 1025.70(h), which states that an applicant seeking an award against another agency that participates in a proceeding before the Commission should apply to that other agency for an award. The Administrative Conference believes that the Commission should determine whether such an award should be made. It points out that the Commission's presiding officer would be the person most familiar with the record of the underlying proceeding and would satisfy the definition of "adjudicative

officer" in the Act. The Administrative Conference states that a conforming change should also be made to § 1025.72(g).

The Commission agrees with the Administrative Conference's comment that the person most familiar with the record of the adjudicative proceeding before the Commission is the Commission's presiding officer. However, after careful consideration of this comment and provision in general, the Commission has reconsidered its position concerning the need for proposed § 1025.70(h).

The likelihood of another federal agency participating in an adversary adjudicative proceeding subject to application of this regulation is very remote. Therefore, because this section addresses a type of proceeding the Commission believes would not be conducted, § 1025.70(h) (Awards against other agencies) as it appeared in the proposed regulation has been deleted in the final regulations.

This regulation is a subpart of the Commission's Rules of Practice for Adjudicative Proceedings. Those rules identify who may be a presiding officer in an adjudicative proceeding. 16 CFR 1025.3(i). To avoid confusion to the public and to prospective parties to an adversary adjudicative proceeding concerning who may be the presiding officer in a proceeding under the EAJA, the Commission has added a new § 1025.70(h) to the final regulation. This section states that the "presiding officer" is a person as defined in § 1025.3(j) of the Commission's Rules of Practice for Adjudicative Proceedings who conducts an adversary adjudicative proceeding.

#### Conclusion

The EAJA which became effective October 1, 1981, requires agencies to adopt regulations which establish uniform procedures for the award of fees and expenses in adversary adjudicative proceedings. The Commission published its proposed rule which tracks the Administrative Conference's model regulation with few exceptions and provided a 60 day comment period.

Two persons submitted comments concerning the Commission's proposed regulation. The Commission has carefully considered the comments and, with the exception of nonsubstantive editorial changes, determined to issue its final rule as set forth below.

The Administrative Procedure Act provides at 5 U.S.C. 553(d) that a substantive rule must be published at least 30 days before its effective date, unless the Commission makes a finding

of good cause for an earlier effective date and includes that finding within the rule. The Commission finds for good cause that its regulation should be effective immediately upon publication.

This finding of good cause is based upon the lengthy period provided the public for comment to the Administrative Conference's model regulation, and the close similarity between the model rule and the Commission's regulation being issued here. More importantly, there are approximately eleven adversary adjudications pending before the Commission which are subject to the EAJA. If the effective date of this regulation were delayed, applicants for fees and expenses would have to rely on the less satisfactory approach of interpreting and applying under the EAJA without the guidance of Commission regulation.

#### List of Subjects in 16 CFR Part 1025

Administrative practice and procedure, Equal access to justice, Lawyers.

#### PART 1025—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

\* \* \* \* \*

Accordingly, the Commission issues a new Subpart H to Part 1025 of Title 16, Chapter II of the Code of Federal Regulations, with an effective date immediately upon publication to read as follows:

#### Subpart H—Implementation of the Equal Access to Justice Act in Adjudicative Proceedings With the Commission

Sec.

1025.70 General provisions.

1025.71 Information required from applicant.

1025.72 Procedures for considering applications.

Authority: Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325, 5 U.S.C. 504 and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

#### Subpart H—Implementation of the Equal Access to Justice Act in Adjudicative Proceedings With the Commission

##### § 1025.70 General provisions.

(a) *Purpose of this rule.* The Equal Access to Justice Act, 5 U.S.C. 504 (called "the EAJA" in this Subpart), provides for the award of attorney fees and other expenses to eligible persons who are parties to certain adversary adjudicative proceedings before the Commission. An eligible party may receive an award when it prevails over Commission complaint counsel, unless complaint counsel's position in the



proceeding was substantially justified or special circumstances make an award unjust. This Subpart describes the parties eligible for awards and the proceedings covered. The rules also explain how to apply for awards and the procedures and standards that the Commission will use to make them.

(b) *When the EAJA applies.* The EAJA applies to any adversary adjudicative proceeding pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings commenced before October 1, 1981, if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

(c) *Proceedings covered.* (1) The EAJA and this rule apply to adversary adjudicative proceedings conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of the Commission or any component of the Commission is represented by an attorney or other representative who enters an appearance and participates in the proceeding. The rules in this Subpart govern adversary adjudicative proceedings relating to the provisions of sections 15 (c), (d) and (f) and 17(b) of the Consumer Product Safety Act (15 U.S.C. 2064 (c) (d) and (f); 2066(b)), sections 3 and 8(b) of the Flammable Fabrics Act (15 U.S.C. 1192, 1197(b)), and section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274), which are required by statute to be determined on the record after opportunity for a public hearing. These rules will also govern administrative adjudicative proceedings for the assessment of civil penalties under section 20(a) of the Consumer Product Safety Act (15 U.S.C. 2068(a)). See 16 CFR 1025.1.

(2) The Commission may designate a proceeding not listed in paragraph (c)(1) of this section as an adversary adjudicative proceeding for purposes of the EAJA by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to designate a proceeding as an adversary adjudicative proceeding shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA. Whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(3) If a proceeding includes both matters covered by the EAJA and matters specifically excluded from coverage, any award made will include

only fees and expenses related to covered issues.

(d) *Eligibility of applicants.* (1) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3) and 16 CFR 1025.3(f). The applicant must show that it meets all conditions of eligibility set out in this paragraph and in section 1025.71.

(2) The types of eligible applicants are:

(i) Individuals with a net worth of not more than \$1 million;

(ii) Sole owners of unincorporated businesses who have a net worth of not more than \$5 million including both personal and business interests, and not more than 500 employees;

(iii) Charitable or other tax-exempt organizations described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) which have not more than 500 employees;

(iv) Any other partnership, corporation, association, or public or private organization with a net worth of not more than \$5 million and which have not more than 500 employees.

(3) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(4) An applicant who owns an unincorporated business will be considered as an "individual" rather than as a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(5) The number of employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(6) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. For this purpose, "affiliate" means (i) An individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or (ii) Any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest. However, the presiding officer may determine that such treatment would be unjust and contrary to the purposes of the EAJA in light of the actual relationship between the

affiliated entities. In addition, the presiding officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(7) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

(8) An applicant that represents himself/herself regardless of whether he is licensed to practice law may be awarded all such expenses and fees available to other prevailing eligible parties. See 16 CFR 1025.61 and 1025.65 of the Commission's rules.

(e) *Standards for awards.* (1) An eligible prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of Commission complaint counsel over which the applicant has prevailed was substantially justified. Complaint counsel bear the burden of proof that an award should not be made to an eligible prevailing applicant. Complaint counsel may avoid the granting of an award by showing that its position was reasonable in law and fact.

(2) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

(f) *Allowable fees and expenses.* (1) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(2) No award for the fee of an attorney or agent under these rules may exceed \$75 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission is authorized to pay expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(3) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the presiding officer shall consider the following:

(i) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;



(ii) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(iii) The time actually spent in the representation of the applicant;

(iv) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(v) Such other factors as may bear on the value of the services provided.

(4) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(5) Fees may be awarded to eligible applicants only for service performed after the issuance of a complaint and the commencement of the adjudicative proceeding in accordance with 16 CFR 1025.11(a).

(g) *Rulemaking on maximum rates for attorney fees.* (1) If warranted by an increase in the cost of living or by special circumstances, the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than \$75 per hour in some or all of the types of proceedings covered by this Subpart. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 553.

(2) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(e). The petition should identify the rate the petitioner believes the Commission should establish and the types of proceedings in which the rate should be used. The petition should also explain fully the reasons why the higher rate is warranted. The Commission will respond to the petition within a reasonable time after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

(h) *Presiding Officer.* The presiding officer in a proceeding covered by this regulation is a person as defined in the Commission's Rules, 16 CFR 1025.3(i), who conducts an adversary adjudicative proceeding.

#### § 1025.71 Information required from applicant.

(a) *Contents of application.* (1) An application for an award of fees and expenses under the EAJA shall identify

the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of complaint counsel in the adjudicative proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(2) The application shall also include a verified statement that the applicant's net worth does not exceed \$1 million (if an individual) or \$5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if it attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section.

(3) The application shall state the amount of fees and expenses for which an award is sought.

(4) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(5) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

(b) *Net worth exhibit; confidential treatment.* (1) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 1025.70(d)(6) of this Subpart) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this Subpart. The presiding officer may require an applicant to file additional information to determine its eligibility for an award.

(2) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit or to public disclosure of any other

information submitted, and believes there are legal grounds for withholding it from disclosure, may move to have that information kept confidential and excluded from public disclosure in accordance with § 1025.45 of the Commission rules for *in camera* materials, 16 CFR 1025.45. This motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9).

(3) Section 6(a)(2) of the Consumer Product Safety Act, 15 U.S.C. 2055(a)(2), provides that certain information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, or subject to 5 U.S.C. 552(b)(4) shall not be disclosed. This prohibition is an Exemption 3 statute under the Freedom of Information Act, 5 U.S.C. 552(b)(3). Material submitted as part of an application for which *in camera* treatment is granted shall be available to other parties only in accordance with 16 CFR 1025.45(c) of the Commission Rules and, if applicable, section 6(a)(2) of the CPSA. If the presiding officer determines that the information should not be withheld from disclosure because it does not fall within section 6(a)(2) of the CPSA, he shall place the information in the public record but only after notifying the submitter of the information in writing of the intention to disclose such document at a date not less than 10 days after the date of receipt of notification. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act [see 16 CFR 1015].

(c) *Documentation of fees and expenses.* The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The presiding officer may require the applicant to provide vouchers, receipts;



or other substantiation for any expenses claimed.

(d) *When an application may be filed.*

(1) An application may be filed whenever the applicant has prevailed in a proceeding covered by this Subpart or in a significant and discrete substantive portion of the proceeding. However, an application must be filed no later than 30 days after the Commission's final disposition of such a proceeding.

(2) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(3) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(4) For purposes of this Subpart, final disposition means the later of:

(i) The date on which an initial decision by the presiding officer becomes final, *see* 16 CFR 1025.52;

(ii) The date on which the Commission issues a final decision (*See* 16 CFR 1025.55);

(iii) The date on which the Commission issues an order disposing of any petitions for reconsideration of the Commission's final order in the proceeding (*See* 16 CFR 1025.56; or

(iv) Issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

(e) *Where an application must be filed.* The application for award and expenses must be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 in accordance with the application requirements of this section.

#### **§ 1025.72 Procedures for considering applications.**

(a) *Filing and service of documents.*

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as provided in the Commission's Rules of Practice, 16 CFR 1025.11-1025.19.

(b) *Answer to Application.* (1) Within 30 days after service of an application for an award of fees and expenses, complaint counsel in the underlying administrative proceeding upon which the application is based may file an answer to the application. Unless

complaint counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b)(2) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(2) If complaint counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the presiding officer upon request by complaint counsel and the applicant.

(3) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Commission counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, complaint counsel shall include with the answer either supporting affidavits or a request for further proceedings under paragraph (f) of this section.

(c) *Reply.* Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under paragraph (f) of this section.

(d) *Comments by other parties.* Any party to a proceeding other than the applicant and complaint counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the presiding officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

(e) *Settlement.* The applicant and complaint counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the Commission's standard settlement procedure (*See* 16 CFR 1115.20(b), 1118.20, 1025.26, and 1605.3). If a prevailing party and complaint counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

(f) *Further proceedings.* (1) Ordinarily, the determination of an award will be made on the basis of the written record.

However, on request of either the applicant or complaint counsel, or on his or her own initiative, the presiding officer may order further proceedings. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(2) A request that the presiding officer order further proceedings under this paragraph shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

(g) *Initial Decision.* The presiding officer shall endeavor to issue an initial decision on the application within 30 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the complaint counsel's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision of this Commission will only address the allocable portion for which this Commission is responsible to the eligible prevailing party.

(h) *Agency review.* (1) Either the applicant or complaint counsel may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with 16 CFR 1025.54, 1025.55 and 1025.56.

(2) If neither the applicant nor Commission complaint counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 30 days after it is issued.

(3) If an appeal from or review of an initial decision under this Subpart is taken, the Commission shall endeavor to issue a decision on the application within 90 days after the filing of all briefs or after receipt of transcripts of the oral argument, whichever is later, or remand the application to the presiding officer for further proceedings.

(i) *Judicial Review.* Judicial review of final Commission decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

(j) *Payment of award.* An applicant seeking payment of an award shall



submit to the Secretary of the Commission a copy of the Commission's final decision granting the award, accompanied by a verified statement that the applicant will not seek review of the decision in the United States courts. (Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.) The Commission will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding. Comments and accompanying material may be seen in or copies obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: June 4, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82-16015 Filed 6-11-82; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-107; Ref: Notice No. 386]

#### Chalone Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area located in Monterey and San Benito Counties, California, to be known as "Chalone." The name for this viticultural area was initially proposed as "The Pinnacles", in Notice No. 338 (45 FR 17027). However, based on comments received and testimony given at a public hearing on May 2, 1980, the Bureau of Alcohol, Tobacco and Firearms (ATF) concluded that the proposed name would be inappropriate if used to designate the proposed viticultural area. ATF, in Notice No. 386 (46 FR 49600), reopened the comment period for submission of alternative names in lieu of "The Pinnacles." The petitioner, Gavilan Vineyards, Inc., through its Chairman of the Board, Mr. Richard H. Graff, submitted the name "Chalone" as an alternative name, which was supported by another comment. ATF believes the establishment of Chalone as a viticultural area and its subsequent use

as an appellation of origin in wine labeling and advertising will allow the petitioner and other wineries which may produce wine from grapes grown in the area to better designate their specific grape-growing area and will enable consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** July 14, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. These regulations also allow the name of the approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas. Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features.

Section 4.25a(e)(2), Title 27 CFR, outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Gavilan Vineyards, Inc. (d.b.a. Chalone Vineyard) to establish a viticultural area in Monterey and San Benito Counties, California, to be named "The Pinnacles." In response to this petition, ATF published a Notice of Proposed Rulemaking and Notice of Hearing, No. 338, in the Federal Register on March 17, 1980 (45 FR 17027).

A public hearing concerning the proposal was held in Salinas, California, on May 2, 1980, and written comments were accepted until May 16, 1980. Five persons testified at the hearing and two written comments were submitted.

Based upon testimony presented at the public hearing and written comments submitted, ATF concluded that the proposed name, "The Pinnacles", was inappropriate to designate the proposed viticultural area. This determination was arrived at because of trademark claims by another winery and the possibility of consumer confusion that would result if the proposed name were approved. Therefore, ATF issued another Notice of

Proposed Rulemaking, No. 386, in the Federal Register on October 7, 1981 (46 FR 49600), reopening the comment period to solicit comments for alternative names. In particular, ATF requested comments concerning the names "Chalone", "Gavilan" or derivations of those names.

#### Comments for New Proposed Name

In response to the notice for alternative names, ATF received four comments. The comments were submitted by: the petitioner; Paragon Vineyard, a California winery not located in the vicinity of the proposed area; a law firm representing Foreign Vintages, Inc., an importer of distilled spirits; and a professor from the University of Illinois, College of Medicine.

The petitioner stated that the most satisfactory and proper designation for the viticultural area would be "the simple and unadorned word 'Chalone'." The petitioner further stated the name is associated with two of the most distinctive geographical features surrounding the proposed area, North and South Chalone Peaks. Paragon Vineyard also supported the name "Chalone" as being the most appropriate name while discounting the use of "Gavilan" as referring to numerous geographical features within California. The law firm representing the importer of distilled spirits objected to the use of "Gavilan" on the basis that their client has established common law and statutory rights as owner of the trademark "Gavilan" for tequila. The university professor commented that the proposed area was too restrictive to qualify for the designation Gavilan (or Gabilan) Mountains.

#### Evidence Relating to the Name "Chalone"

Paragon Vineyard submitted historical evidence which establishes the history of the name Chalone, dating back to 1816 at which time the name referred to a division of the Costanoan family which lived in the area. Further evidence was submitted which claimed that the Pinnacles Monument was initially called Chalone Peaks prior to being designated as a national monument. Within the area covered by the Pinnacles National Monument, the two most distinctive geographical features, according to the petitioner, are the North and South Chalone Peaks. The western boundary of the national monument is the eastern boundary of the viticultural area. One of the U.S.G.S. maps submitted with the petition is entitled "North Chalone Peak." Chalone



Creek encircles the viticultural area on two sides, the north and east.

The viticultural area contains one winery, Chalona Vineyard, and 120 acres of vines. The petitioner stated that approximately 50 percent of the proposed area is plantable; however, due to the shortage of water for irrigation, the majority of the area is not being cultivated.

ATF believes that sufficient evidence has been submitted which establishes the historical and current use of the name Chalona as applying to the proposed viticultural area.

#### Boundaries

The petitioner initially proposed boundaries which included 5760 acres of land which "has historically been farmed on the [geological] bench, as well as essentially all reasonably capable of being farmed." During the public hearing, the petitioner proposed an amendment to the boundaries of an additional 2880 acres which were omitted from the original petition through an oversight on his part and which he claims properly belong in the viticultural area. The petitioner further stated that it was initially his intention to avoid including too much unplanted land. Subsequently the boundaries were amended to include "more area that was not plantable in order to avoid omitting anything." The proposal to amend the boundaries did not receive any objections at the public hearing or in post-hearing comments submitted.

The viticultural area, as amended, consists of 8640 acres of rolling land located on a geological bench in the Gabilan (or Gavilan) Mountain Range of Central California. The area has a mean elevation of 1650 feet above sea level and drains into Bryant Canyon, Stonewell Canyon and Shirltail Gulch. The boundaries are as follows: to the south and west, the points at which the land drops off sharply to the Salinas Valley; to the north, the ridge line (watershed divide) effectively dividing Monterey and San Benito Counties, and the Gloria Valley on the other side; and, to the east, the western boundary of the Pinnacles National Monument.

Based on the evidence submitted and testimony given at the public hearing, ATF has determined that the amended boundaries sufficiently distinguish the viticultural area from surrounding areas and, therefore, the amended boundaries are being adopted. While the boundaries do not precisely coincide with geographical outlines of the area, the use of section lines to describe the boundaries is acceptable in this instance since the section lines closely approximate natural boundaries.

The exact boundaries of the viticultural area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the final regulation of this document.

#### Geophysical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish its viticultural features from surrounding areas. ATF has determined on the basis of the testimony presented at the public hearing and the written comments received that the proposed area is distinguished from the surrounding area in elevation, climate and soil.

The proposed area ranges in elevation from 1400 to 2000 feet above sea level, with a mean elevation of 1650 feet above sea level. The surrounding area to the south and west is characterized by a steep drop to the Salinas Valley, which has a mean elevation of 300 feet above sea level. The area to the east, the Pinnacles National Monument, is unavailable for private agriculture. Except for the Gloria Valley (which is distinguishable from the viticultural area for other reasons), the area to the north rises to higher elevations than those found in the viticultural area.

The petitioner claims that the differences in elevation between the Salinas Valley and the proposed area produce dramatic differences in climatic conditions. The climate of the Salinas Valley is tempered by the cooling winds from Monterey Bay which form a thick fog layer that extends to an elevation of 1000 feet. In summer the viticultural area is approximately 10 degrees warmer than the Salinas Valley because the former does not receive the cooling winds and fog cover from Monterey Bay.

The soils of the proposed area significantly differ from soils of surrounding areas. Within the proposed area, the soils primarily consist of Miocene volcanic and Mesozoic granitic rocks, heavy in limestone deposits. The Salinas Valley to the south and west consists of alluvium and river terrace rocks, while the Gloria Valley to the north is alluvial. The Pinnacles National Monument, to the east, though similar in mineral deposits, is unavailable for private agriculture.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) do not apply to this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will not have any other significant effect on a substantial

number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this final rule affects only one small entity.

Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Miscellaneous

ATF is approving this area as being viticulturally distinct from surrounding areas. By approving the area, ATF is permitting wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Chalona wines.

#### Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

#### Authority

#### PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

**Par. 1.** The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.24. As amended, the table of sections reads as follows:



**Subpart C—Approved American Viticultural Areas**

Sec.

9.24 Chalone.

Par. 2. Subpart C is amended by adding § 9.24 to read as follows:

**Subpart C—Approved American Viticultural Areas**

§ 9.24 Chalone.

(a) *Name* The name of the viticultural area described in this section is "Chalone."

(b) *Approved maps*. The appropriate maps for determining the boundaries of the Chalone viticultural area are four U.S.G.S. 7.5 minute quadrangle maps. They are titled:

- (1) "Mount Johnson, California, 1968";
- (2) "Bickmore Canyon, California, 1968";
- (3) "Soledad, California, 1955"; and
- (4) "North Chalone Peak, California, 1969."

(c) *Boundaries*. The Chalone viticultural area includes 8640 acres, primarily located in Monterey County, California, with small portions in the north and east located in San Benito County, California. The boundaries of the Chalone viticultural area encompass:

- (1) Sections 35 and 36, in their entirety, of T.16 S., R.6 E.;
- (2) Sections 1, 2 and 12, in their entirety, of T.17 S., R.6 E.;
- (3) Sections 6, 7, 8, 9, 16, and 17, in their entirety, the western half of Section 5, and the eastern half of Section 18 of T.17 S., R.7 E.; and
- (4) Section 31, in its entirety, and the western half of Section 32 of T.16 S., R.7 E.

Signed: May 17, 1982.

Stephen E. Higgins,  
Acting Director.

Approved: June 2, 1982.

John M. Walker, Jr.,  
Assistant Secretary, (Enforcement and Operations).

[FR Doc. 82-16021 Filed 6-11-82; 8:45 am]

BILLING CODE 4810-31-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 1**

[CGD 81-063]

**Delegation of Authority Under the Regulatory Flexibility Act; Correction**

AGENCY: Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This document corrects the paragraph designation of a delegation of authority with respect to Regulatory Flexibility Act certifications, published at 46 FR 42268, Aug. 20, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Register, Office of the Chief Counsel, Coast Guard Headquarters G-LRA; (202) 426-1534.

**SUPPLEMENTARY INFORMATION:**

**PART 1—GENERAL PROVISIONS**

The Delegation of Authority published on August 20, 1981 (46 FR 42268) incorrectly placed the delegation within 33 CFR Part 1. The delegation should have been placed at 33 CFR § 1.05-1(k), rather than at paragraph (i) as published.

Accordingly, the Delegation is corrected to read:

**§ 1.05-1 General.**

\* \* \* \* \*

(k) The Commandant redelegates to each Coast Guard District Commander and Captain of the Port the authority to make the certification in section 605(b) of the Regulatory Flexibility Act (Sec. 605(b), Pub. L. 96-354, 94 Stat. 1168 [5 U.S.C. 605]) for rules that they issue.

E. H. Daniels,  
Chief Counsel.

[FR Doc. 82-15936 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-14-M

**33 CFR Part 127**

[CGD 13-82-03]

**Security Zone—Strait of Juan de Fuca and Hood Canal, Washington**

AGENCY: Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment to the Coast Guard's Security Zone Regulations establishes two Security Zones within the waters of Northwestern Washington during the port call of the USS *Ohio* (SSBN 726). These security zones are established to safeguard the USS *Ohio* while she transits to and from the U.S. Naval Submarine Base, Bangor, Washington through the Strait of Juan de Fuca and the Hood Canal and while moored at her homeport in the Hood Canal. The effect of this Rule will be to close portions of the Strait of Juan de Fuca and Hood Canal from use by general maritime traffic while the USS *Ohio* is within the waters of Northwestern Washington.

**DATES:** This amendment is effective on August 1, 1982 or when the USS *Ohio*

enters the waters of Northwestern Washington whichever occurs last and will remain in effect until the vessel's departure from the navigable waters of the United States but in no case will its provisions extend beyond December 31, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Timothy G. M. Balunis, c/o Captain of the Port, 1519 Alaskan Way S., Seattle, Washington 98134; Tel: (206) 442-1853.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

During August of 1982, the USS *Ohio* (SSBN 726) will arrive within the waters of Northwestern Washington to commence its assigned duties in the national defense operating out of its homeport the United States Naval Submarine Base at Bangor, Washington. Considerable public attention has been focused on this vessel's arrival as the first defense resource of its kind in this area. There have been numerous reports of activities planned to disrupt the vessel's ability to perform her mission by delaying her arrival and departure from the U.S. Naval Submarine Base. Similarly, the U.S. Naval Submarine Base itself will reportedly be the focus of much public protest concerning the USS *Ohio*'s mission capabilities during the period of time that the vessel is in port. The United States Navy has requested the implementation of these security areas. The security zones will be enforced by representatives of the Captain of the Port, Seattle, Washington. The Captain of the Port will be assisted in enforcing these security zones by local law enforcement authorities.

**Prohibited Acts**

As provided in the General Security Zone Regulations (33 CFR 127.15) no person or vessel may enter a security zone unless authorized by the Captain of the Port.

**Penalties**

Violation of this security zone will result in prosecution under the authority of 50 U.S.C. 191, which provides for the seizure and forfeiture of vessels and imprisonment for up to 10 years and a fine of up to \$10,000.

Rule-making procedures have not been followed in accordance with 5 U.S.C. 553 since this action involves a military affairs function of the United States.

**Drafting Information**

The principal persons involved in the drafting of the rulemaking are LCDR Timothy G. M. Balunis, Project Officer.



The project attorney is Commander Jonathan Collom c/o Commander, Thirteenth Coast Guard District (d1), 915 Second Ave., Seattle, Washington 98174, Tel: (206) 442-7953.

#### List of Subjects in 33 CFR Part 127

Harbors, Security measures, Vessels.

#### PART 127—SECURITY ZONES

In consideration of the above, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.1309, to read as follows:

§ 127.1309 Vicinity, USS "Ohio" (SSBN 726), Strait of Juan De Fuca and Hood Canal, Washington.

(a) *Security Zones.*—(1) *Security Zone A.* All land, water and structures within the area enclosed by a circle whose radius is 1,000 yards from the USS *Ohio* (SSBN 721) while she is located within the waters of Northwestern Washington. The zone will move with the vessel wherever the vessel may be located in these waters until she departs for sea.

(2) *Security Zone B.* The waters of the Hood Canal and any structures on or over the Hood Canal enclosed by a line beginning on the east side of the canal at latitude 47°41.4'N., longitude 122°44.7'W. (on the shoreline east of Flashing Green Light "11"); thence westerly across the canal to latitude 47°41.6'N., longitude 122°46.4'W. (Hazel Point Light); thence north along the shoreline to latitude 47°58.3'N., longitude 122°40.9'W. (Olele Point); thence southeasterly to latitude 47°57.9'N., longitude 122°40.3'W (Klas Rock Qk F1 Bell Buoy "T"); thence easterly to the northwest corner of Foulweather Bluff at latitude 47°56.4'N., longitude 122°36.9'W.; thence south along the shoreline to the point of the beginning. This security zone will commence prior to arrival of the USS *Ohio* (SSBN 726) within the waters of Northwestern Washington upon announcement by the Captain of the Port Seattle in a Broadcast Local Notice to Mariners and will continue in existence until the vessel is moored at the U.S. Naval Submarine Base at Bangor, Washington.

(b) *Special regulations.* Section 127.15 does not apply to United States Naval vessels when operating in Security Zones A or B, or to the Washington State Ferries operating on the regularly scheduled Lofall/Southpoint run when operating in Security Zone B.

(50 U.S.C. 191; E.O. 10173; 33 CFR 6.04-6)

Dated: June 1, 1982.

P. P. Coady,

Captain, U.S. Coast Guard, Captain of the Port, Seattle, Washington.

[FR Doc. 82-15899 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-14-M

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### 36 CFR Part 811

#### Conflict of Interest Regulations

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Interim regulations with request for comments.

**SUMMARY:** These interim regulations establish responsibilities and procedures for employees and members of the Council for avoiding conflicts of interest prohibited by 18 U.S.C. 202, 203, 205, 208, and 209, and Executive Order 11222. Heretofore the Council has followed the Department of the Interior's Conflict of Interest Regulations. These regulations will provide the Council with its own regulations to better meet its specific needs.

**DATE:** These interim regulations are effective June 14, 1982; comments must be received on or before August 13, 1982.

**ADDRESS:** Send comments to: Advisory Council on Historic Preservation, 1522 K Street NW., Suite 430, Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** John M. Fowler, General Counsel, or Charlotte R. Bell, Attorney, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, telephone 202-254-3967.

**SUPPLEMENTARY INFORMATION:** The Council was established by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*), and consists of the Secretary of the Interior, the Secretary of Agriculture, the heads of four federal agencies the activities of which affect historic preservation, the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, four members from the general public appointed by the President, four historic preservation experts appointed by the President, a governor, and a mayor. The Act charges the Council with advising the President and the Congress on historic preservation matters. The Council's administrative support is provided by the Department of the Interior.

Heretofore, the Council has opted to follow the Department's Conflict of Interest Regulations.

These interim regulations will provide the Council with its own regulations to better meet its specific needs. These regulations are published herein as interim rules effective immediately. The Council will receive comments on these interim regulations for 60 days. The Council will publish final rules after consideration of comments.

The Council has determined that this document is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities in accordance with the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

The Council has determined that these regulations do not have a significant effect on the human environment under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and that an environmental impact statement is not required.

#### List of Subjects in 36 CFR Part 811

Conflict of interests.

#### Principal Author

Charlotte R. Bell, Attorney.

Dated: June 9, 1982.

Robert R. Garvey, Jr.,  
Executive Director.

For the reasons set out in the preamble, Part 811 is added to Title 36 of the Code of Federal Regulations to read as set forth below:

#### PART 811—CONFLICTS OF INTEREST

##### Sec.

- 811.1 General provisions.
- 811.2 Scope.
- 811.3 Financial interests.
- 811.4 Outside work and activities.
- 811.5 Gifts, entertainment and favors.
- 811.6 Other conflicts.
- 811.7 Statements of employment and financial interest.
- 811.8 Review and analysis of statements.
- 811.9 Procedures for resolving conflicts of interest—members.
- 811.10 Procedures for resolving conflicts of interest—employees.
- 811.11 Definitions.

**Authority:** Executive Order 11222, 5 CFR Parts 734, 735, and 736, Pub. L. 95-521, Ethics In Government Act, (5 U.S.C. 301).

##### § 811.1 General provisions.

(a) *Purpose.* These regulations set forth Council policies and identify principle laws and regulations that relate to member and employee conflict of interest responsibilities. The regulations are applicable to all members of the Council and their



designees, both ex officio and appointed, and to all specified employees of the Council.

(b) *General policy.* Members and employees of the Council are expected to maintain high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of government business and the continual trust and confidence of citizens in their government. It is the intent of these regulations that members and employees avoid any action that might result in or create the appearance of (1) Using public office for private gain; (2) Giving preferential treatment to any organization or person; (3) Impeding government efficiency or economy; (4) Losing complete independence or impartiality of action; (5) Making a government decision outside official channels; or (6) Affecting adversely the confidence of the public in the integrity of the government.

(c) *Member and employee responsibility.* It is the responsibility of members and employees to familiarize themselves and comply with these regulations.

#### § 811.2 Scope.

(a) *Content.* These regulations prescribe policies and procedures for the avoidance of conflicts of interests in connection with members' or employees' Council positions or in the discharge of their official Council responsibilities, and set out the requirements for reporting and reviewing financial interests and outside employment.

(b) *Types of requirements.* Members and employees have a duty to avoid apparent or actual conflicts of interest pursuant to two authorities. First, 18 U.S.C. 203, 205, 208 and 209 impose criminal sanctions on officers and employees of the federal government, including special government employees, who participate in certain official activities where they have a conflicting personal financial interest. Second, Executive Order 11222 prescribes standards of ethical conduct for government officers and employees and special government employees and requires officers and employees and special government employees occupying certain government positions to report all financial interests and outside employment and certain affiliations. These authorities have the common objective of assuring that government officers and employees conduct government business free from the constraints that conflicting interests might present.

(c)(1) Members of the Council fall into three groups: (i) "special government employees", "officers or employees of

the Executive Branch", and "officers and employees of the Legislative Branch."

(ii) "Special government employees", as defined by 18 U.S.C. 202, are those Council members who have been appointed or designated to perform for fewer than 130 days per year. Included in this category for purposes of these regulations are all private members, the mayor, the governor, the Chairman of the National Trust for Historic Preservation, and the President of the National Conference of State Historic Preservation Officers. (iii) The Secretaries of Interior and Agriculture and their designees and the heads of the four other agencies of the United States appointed by the President and their designees are "officers and employees of the Executive Branch." (iv) The Architect of the Capitol is an "officer or employee of the Legislative Branch" who is appointed by the President.

(2) For purposes of these regulations, unless otherwise specified, all members of the Council and their designees shall be referred to as "members" regardless of their classification under other authorities.

(3) All Council staff members are referred to as "employees."

#### § 811.3 Financial interests.

(a) *Policy.* A personal financial interest may create an actual or apparent conflict of interest. This section sets forth standards of conduct to avoid such conflicts.

(b) *Restrictions—Members and Employees.* No member or employee shall—

(1) Have a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with the member's or employee's Council duties and responsibilities; or

(2) Engage, directly or indirectly, in financial transactions resulting from, or primarily relying on, information obtained through the member's or employee's Council membership or employment.

#### § 811.4 Outside work and activities.

(a) *Policy.* Under certain circumstances, outside work or activities may create an actual or apparent conflict of interest. In general, outside work or activities are permitted to the extent that they do not prevent employees from devoting their primary interests, talents, and energies to the accomplishment of their work for the Council or tend to create a conflict or appearance of conflict between the private interests of members or employees and their Council responsibilities.

(b) *Restrictions—Members who are heads of Federal agencies and their designees and the Architect of the Capitol and his designee:*

(1) It shall not be considered to be a conflict of interest for members who are the heads of federal agencies or their designees or for the Architect of the Capitol or his designee to engage in the performance of their statutory duties under other provisions of law. The Council may adopt procedures for dealing with instances where an undertaking proposed or sponsored by a member's agency or by the Architect of the Capitol comes before the Council.

(2) Members who are the heads of federal agencies and their designees and the Architect of the Capitol and his designee may not engage in outside activities not compatible with the full and proper discharge of the members' official duties and responsibilities as members of the Council.

(3) Members who are the heads of Federal agencies and their designees shall abide by the conflict of interest regulations of their own agencies except when they are acting in their official capacities as Council members.

(c) *Restrictions—other Members:* Members not covered by paragraph (b) of this section shall not:

(1) Engage in outside activities not compatible with the full and proper discharge of the member's official duties and responsibilities as a member of the Council;

(2) Perform outside work or engage in outside activities (i) That are of such a nature that they may be reasonably construed by the public to be the official acts of the Council, (ii) That involve the use of Council facilities, equipment, and supplies of any kind, or (iii) That involve the use for private gain of official Council information not available to the public;

(3) Receive any salary or anything of monetary value from a private source as compensation for services to the Council (18 U.S.C. 209); or

(4) Use the member's Council employment to coerce a person to provide financial benefit to the member or another person.

(d) *Restrictions—Employees:* No employee shall—

(1) Engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of the employee's Council employment; or

(2) Engage in any activity prohibited by paragraphs (c)(2), (3), and (4) of this section.



**§ 811.5 Gifts, entertainment and favors.**

Members or employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who has, or is seeking to obtain, business or financial relations with the Council or has interests that may be substantially affected by the performance or nonperformance of Council duties. The Council adopts the exceptions to this prohibition set forth in 5 CFR 735.202 (b) (1)–(4).

**§ 811.6 Other conflicts.**

(a) *Use of Council property.* No member or employee shall use or allow the use of Council property for other than officially approved activities.

(b) *Use of Council membership.* No member who is a "special government employee" under § 811.2(c) shall use his Council membership for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for the member or another person.

(c) *Misuse of information.* No member or employee shall use for private gain or allow the use of inside information which has not been made available to the public. Inside information is information obtained through or in connection with the member's Council membership or the employees' Council employment.

(d) *Indebtedness; gambling, betting and lotteries; conduct prejudicial to the Council; miscellaneous provisions.* Members and employees shall be bound by the terms of 5 CFR 735.207–735.210.

(e) *Post-employment conflicts.* Members and employees shall comply with the terms of 5 CFR Part 737 regarding post-employment conflicts of interest.

**§ 811.7 Statement of employment and financial interest.**

(a) *General.* All employees who are classified at GS-13 or above or at comparable pay levels and all members shall file a Statement of Employment and Financial Interest.

(b) *When to file.* Each member or employee required to file a Statement of Employment and Financial Interest shall file such a Statement with the Ethics Counselor at the time of entrance on duty as a new member or employee, or within thirty days after the Ethics Counselor notifies a member or employee of the need to file such a Statement.

(c) *Members who have filed elsewhere.* A member who has filed a Statement of Employment and Financial Interest under 2 U.S.C. 701, *et seq.* or 5 U.S.C. App. Sec. 201, *et seq.*, may satisfy

these regulations by submitting that Statement to the Ethics Counselor.

(d) *What to report.* (1) Statements of Employment and Financial Interest shall be made on Department of the Interior forms DI-212 and DI-213, unless otherwise specified in these regulations. Employees and federal members shall use form DI-212 and all private members shall use form DI-213. The Executive Director shall use SF 278. Federal members who have filed SF 278 or another equivalent form may use those forms. Forms DI-212, DI-213 and SF 278 are available from the Ethics Counselor.

(2) Members and employees shall disclose all employment, outside activities or financial interests that relate to, or appear to relate to, the member's or employee's work at the Council.

(3) Members and employees must file a supplementary Statement of Employment and Financial Interests if pertinent information arises or is discovered after any Statement is filed.

(4) If any information required to be included on a Statement of Employment and Financial Interests or supplementary Statement is not known to the member or employee but is known to another person, the member or the employee shall request that other person to submit to the Ethics Counselor information on the member's or employee's behalf.

(e) *Confidentiality of member's and employee's statements.* (1) Except for Statements filed pursuant to 2 U.S.C. 701, *et seq.*, or 5 U.S.C. App. 201, *et seq.*, and submitted to the Council under subsection (c) of this section, and except for the Statement of the Executive Director, each Statement of Employment and Financial Interest will be held in confidence. The Ethics Counselor is responsible for maintaining the Statements in strict confidence. Members and employees having access to Statements shall not allow information to be disclosed from Statements except to those individuals who must have access in order to carry out responsibilities assigned by these regulations or specific law.

(2) Statements of Employment and Financial Interest will be retained by the Ethics Counselor. All Statements shall be destroyed two years after a member or employee leaves a position in which a Statement is required or two years after the member or employee leaves the Council, whichever is earlier.

**§ 811.8 Review and analysis of statements.**

(a) *Review by Ethics Counselor.* Each Statement of Employment and Financial

Statement shall be reviewed by the Ethics Counselor to ensure that the member or employee is in compliance with these regulations. The Ethics Counselor will exercise judgment and reasonableness in reviewing Statements, but will be alert to potential, actual, or apparent conflicts which may be indicated.

(b) *Determination of conflict and referral for resolution.* If a member's or employee's Statement of Employment and Financial Interest reflects a potential, actual, or apparent conflict, the Ethics Counselor shall endeavor to resolve the matter informally with the member or employee. If a member's conflict cannot be resolved, the Ethics Counselor shall refer the member's Statement and a report of efforts made to determine and resolve the conflict to the Chairman of the Council for appropriate action. If an employee's conflict cannot be resolved, the Ethics Counselor shall refer the employee's Statement and a report of efforts made to determine and resolve the conflict to the Executive Director for appropriate action.

(c) *Opportunity to provide information.* At all stages in the review process, members and employees shall be provided full opportunity to offer information and explanation prior to any final determination.

**§ 811.9 Procedures for resolving conflicts of interest—members.**

(a) *Remedial action.* (1) Members shall disqualify themselves from participating in any Council proceeding involving any matter in which they have a potential, actual, or apparent conflict of interest. In lieu of disqualification, members may divest themselves of the interest, establish a blind trust, or otherwise eliminate the conflict of interest.

(2) Members with unresolved conflicts of interest may be disqualified by the Chairman.

(b) *Chairman's authority.* The Chairman of the Council is authorized to take whatever remedial action authorized by these regulations that is appropriate to protect the integrity of the Council.

**§ 811.10 Procedures for resolving conflicts of interest—employees.**

(a) *Remedial action.* Violations of these regulations by an employee may be cause for mandatory remedial action. If the Executive Director decides that remedial action is required, the Executive Director shall initiate immediate action to eliminate the conflict or apparent conflict of interest



within a reasonable time. Remedial action may include reassignment or restriction of the employee, divestiture of the interest, establishment of a blind trust, or other means by which the conflict or apparent conflict is eliminated.

(b) *Disciplinary action.* Employees who refuse to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action, including suspension or removal from their positions.

(c) *The Executive Director's authority and decision.* The Executive Director is authorized to order resolution of conflict of interest situations and the Executive Director's decision regarding remedial action shall be final.

#### § 811.11 Definitions.

(a) *Apparent conflict.* A situation where a reasonable member of the public could suppose a member or employee to be in conflict, even though the member or employee might not be.

(b) *Conflict or actual conflict.* A situation where a member's or employee's duties or responsibilities at the Council are or will be affected or influenced by the member's or employee's financial interest or outside employment of activities.

(c) *Direct interest.* Ownership or part ownership of lands, stocks, bonds, or other holdings by a member or employee in the member's or employee's name. Direct interest includes the holdings of a spouse and minor child and the holdings of other relatives, including in-laws, who live in the member's or employee's home.

(d) *Indirect interest.* Ownership or part ownership of land, stocks, bonds, or other holdings by a member or employee in the name of another person where the member or employee reaps the benefits of the ownership. An indirect interest is considered to be a direct interest for purposes of these regulations.

(e) *Outside work and activities.* All gainful employment and other activities other than the performance of official duties.

(f) *Potential conflict.* A situation where a conflict or an apparent conflict is likely to occur in the future.

## POSTAL RATE COMMISSION

### 39 CFR Part 3002

[Docket No. RM82-2; Order No. 433]

#### Organization; Policy Guidelines

June 1, 1982.

**AGENCY:** Postal Rate Commission.

**ACTION:** Policy guidelines (for representation of the interests of the general public in Commission proceedings).

**SUMMARY:** The Postal Rate Commission is required to provide an opportunity for a hearing on the record to "the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interest of the general public" before recommending decisions on rate and classification matters. 39 U.S.C. 3624(a). This statement explains the role of that officer during Commission hearings. This material will be incorporated into 39 CFR 3002 when this part of Commission regulations are next revised using the procedures outlined in the Administrative Procedure Act. Additionally, the Commission is providing supplementary information to help interested persons understand the ongoing activities of personnel assigned to assist the Officer of the Commission. **EFFECTIVE DATE:** These guidelines are effective June 14, 1982, and apply to all proceedings noticed subsequent to its date of issue.

**FOR FURTHER INFORMATION CONTACT:** David F. Stover, General Counsel, Postal Rate Commission, Suite 500, 2000 L Street, NW., Washington, D.C. 20268; Telephone (202) 254-3824.

**SUPPLEMENTARY INFORMATION:** Before recommending decisions on rate and classification matters, the Postal Rate Commission is required by the Postal Reorganization Act to provide an opportunity for a hearing on the record to "the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public." 39 U.S.C. 3624(a). This statement provides policy guidelines for the Officer of the Commission (OOC) designated at the commencement of each rate and classification proceeding, and the supporting permanent "Office of the Officer of the Commission."

Participants in pending and future proceedings are advised that the purpose of publishing these guidelines is to apprise the general public of the role of the OOC in the work of the agency and the opportunities available for input. The Commission will not permit

the OOC's compliance with these guidelines to be raised by other participants as an issue in a proceeding.

Commission staff assigned to the Office of the Officer of the Commission carry out their responsibilities with due regard for the benefits available from appropriate contact with members of the general public. These benefits to the program administered by the OOC include (a) availability of accurate information as to general public postal needs and widely held complaints about, or perceptions of, deficiencies in the existing postal structure, (b) specific suggestions for changes in the Domestic Mail Classification Schedule, and (c) other public suggestions for change in which the Commission may be interested, even though they may not be the subject of Commission proceedings (e.g., suggestions for legislation on postal questions).

The OOC staff is expected to stay abreast of the body of published information germane to postal rate and classification matters, as well as developments in the fields of public utilities and transportation regulation and consumer policy (including public consumer advocacy). In addition, they are expected to seek to increase their understanding of mailer needs and postal operations by appropriate field study. Public contacts and informational undertakings under this paragraph will be both appropriately related to the OOC's statutory function under the Act, and consistent with avoidance of any unnecessary expenditure of funds.

To assist in this effort the Secretary shall establish a list of consumer groups interested in postal rate and classification changes and shall notify such groups of pending cases, inviting them to express their interest to the OOC (see attached Exhibit A).

In cases where the Commission indicates through a notice of inquiry or other suitable procedure that it wishes to explore certain issues, including the reconsideration of previous decisions to evaluate their continued precedential significance, the OOC shall contribute to this process on the same basis as all other parties.

#### Policy Statement

Pursuant to 39 U.S.C. 3603, 3624, effective immediately, the responsibilities of the Officer of the Commission in Postal Rate Commission proceedings shall be:

1. The OOC shall assist, using the means and procedures available to parties before the Commission, to develop a complete and accurate record by:



(a) Identifying information or data that are needed in addition to those presented by other parties;

(b) Identifying inaccuracies or fallacies in submitted data or information; and

(c) Sponsoring relevant and material evidence which presents needed data or information, which critiques record evidence, or which supports proposals of the OOC or other participants not inconsistent with Commission precedents and judicial decisions reviewing Commission precedents. The preceding shall not preclude the OOC from offering testimony on a methodology which the Commission has previously considered but not adopted, if a fair reading of the Commission opinion(s) concerned shows that such methodology offers potential benefits and new data are available to remedy any defects cited by the Commission.

2. To argue for equity on behalf of the general public and principally those segments of the general public who are not otherwise represented in PRC proceedings. In so doing, the OOC shall consider both long and short term consequences.

3. During the course of proceedings the Officer of the Commission, in accordance with Commission rules, shall maintain complete independence from the members of the Commission and the agency's advisory staff.

(39 U.S.C. 3603, 3624)

By the Commission.

David F. Harris,  
Secretary.

#### EXHIBIT A

##### Notice of Pending Case

This is to advise you that the U.S. Postal Service has filed a case before the Postal Rate Commission requesting the following postal increases:

First Class Mail: A 33% increase raising letters to 20¢ and postcards to 13¢.

Second Class Mail (Periodicals): A 2% increase.

Third Class Mail (advertising mail): A 29% increase on regular 3rd class mail and a 12% increase for presorted 3rd class mail.

Fourth Class Mail: An 11% increase in parcel post rates and a 1% increase in the rates for books and records.

The Postal Rate Commission is required by law to have an official representing the interests of the general public. This official is known as the Officer of the Commission (OOC) and is located at the Postal Rate Commission. If you wish to file written comments regarding the pending case before the Commission, you should contact the Officer of the Commission, Postal Rate Commission, Washington, D.C. 20268 within the next 30 days. You may also call the OOC at (202) 254-3840.

Should you wish to appear before the Commission regarding the pending case, you

should also contact the OOC at the above address who will coordinate the appearances of those who wish to be heard. These are public hearings, and witnesses will give sworn testimony subject to cross-examination. Either you or your representative should contact the OOC within the next 30 days if you wish to make such an appearance before the Commission. We are not able to reimburse anyone for such expenses as may be incurred by such appearance.

David F. Harris.

Secretary.

[FR Doc. 82-15911 Filed 6-11-82; 8:45 am]

BILLING CODE 7715-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[A-3-FRL 2144-6]

#### New Source Performance Standards; Delegation of Authority to Allegheny County, PA

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** This document amends 40 CFR 60.4 to reflect delegation to Allegheny County, Pennsylvania, of authority to implement and enforce Standards of Performance for New Stationary Sources (NSPS) under the Clean Air Act. In addition, this document updates the address for Philadelphia's Air Management Services (AMS), which has changed since delegation of NSPS to AMS. These are administrative changes and will not affect air quality.

**EFFECTIVE DATE:** July 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Gregory Ham (3AW11), Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106; Telephone: (215) 597-2745.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On March 22, 1982, Peter S. Duncan, Secretary of the Pennsylvania Department of Environmental Resources (DER), requested delegation of authority to implement and enforce existing and future regulations for New Source Performance Standards (NSPS) in Allegheny County, Pennsylvania.

The DER currently has the authority to implement and enforce NSPS in the State, except for Allegheny County and the City of Philadelphia. The Allegheny County Health Department's Bureau of Air Pollution Control (BAPC) has

requested that DER accept delegation of NSPS and then authorize the BAPC to carry out the program. In order to simplify the process, EPA is delegating the authority for NSPS directly to the BAPC. The end result is the same, as the BAPC will be the implementing and enforcing agency in both cases. (Philadelphia's Air Management Services also has received direct delegation of NSPS authority (See 42 FR 6812 and 42 FR 6886, February 4, 1977)).

EPA has reviewed this request for delegation, and on May 6, 1982 a letter was sent to Dr. N. Mark Richards, Director, Allegheny County Health Department, stating that delegation of authority for NSPS in Allegheny County is appropriate subject to the conditions set forth in that letter as follows:

United States Environmental Protection Agency, Region III, 6th and Walnut Sts., Philadelphia, Pennsylvania 19106

*Certified Mail; Return Receipt Requested*

N. Mark Richards, M.D., Director, Allegheny County Health Department, Bureau of Air Pollution Control, 3333 Forbes Avenue, Pittsburgh, PA 15213

Re: Delegation of authority for New Source Performance Standards pursuant to Section 111(c) of the Clean Air Act, as amended.

Dear Dr. Richards: This is in response to a letter of March 22, 1982 from Peter S. Duncan, Secretary of the Pennsylvania Department of Environmental Resources, to Peter N. Bibko, Regional Administrator, requesting delegation of authority for implementation and enforcement of the New Source Performance Standards (NSPS) in Allegheny County.

We have reviewed the pertinent laws and regulations governing the control of air pollution in Allegheny County, Pennsylvania and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS regulations by the Bureau of Air Pollution Control (the Bureau). Although Secretary Duncan requested delegation to the Commonwealth of Pennsylvania of the authority for NSPS in Allegheny County, we have determined delegation directly to the Bureau is appropriate in this situation.

Therefore, we hereby delegate authority to the Bureau, as follows:

The Bureau is delegated and shall have authority for all sources located in Allegheny County, Pennsylvania subject to the Standards of Performance for New Stationary Sources presently promulgated, or subject to any standards promulgated in the future, in 40 CFR Part 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Bureau and should include the following:

- (i) Sources determined to be applicable during that quarter;
- (ii) Applicable sources which started operation during that quarter or which



started operation prior to that quarter which have not been previously reported;

(iii) The compliance status of the above; including the summary sheet from compliance test(s); and

(iv) Any legal actions which pertain to these sources.

2. Enforcement of NSPS regulations in Allegheny County will be the primary responsibility of the Bureau. Where the Bureau determines that such enforcement is not feasible and so notifies EPA, or where the Bureau acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the County subject to NSPS regulations.

3. The Bureau will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Bureau grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Bureau shall also constitute grounds for revocation of delegation by EPA.

4. The Bureau and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Bureau interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Bureau.

5. If at any time there is a conflict between a Department regulation and Federal regulation, 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Bureau. If the Bureau does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

6. The Bureau will utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to these regulations.

7. If the Director of the Air and Waste Management Division determines that a Bureau program for enforcing or implementing the NSPS regulations is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Bureau.

A notice announcing this delegation will be published in the *Federal Register* in the near future. The notice will state, among other things, that effective immediately, all reports required pursuant to the above-referenced NSPS regulations by sources located in Allegheny County should be submitted to the Bureau in addition to EPA Region III. Any original reports which have been or may be received by EPA Region III will be promptly transmitted to the Bureau.

Since this delegation is effective immediately, there is no requirement that the Bureau notify EPA of its acceptance. Unless EPA receives from the Bureau written notice

of objections within ten (10) days of receipt of this letter, the Allegheny County Health Department, Bureau of Air Pollution Control will be deemed to have accepted all of the terms of the delegation.

Sincerely,

Robert J. Mitkus,

for Stephen R. Wassersug, Deputy Director, Air & Waste Management Division.

Therefore, pursuant to the authority delegated by the Administrator, the Air & Waste Management Division Director notified Dr. N. Mark Richards, Director, Allegheny County Health Department on May 6, 1982 that the authority to implement and enforce the standards of performance for new stationary sources was delegated to the Allegheny County Health Department.

## II. Regulations Affected by This Action

EPA is today amending 40 CFR 60.4, Address, to reflect the delegation discussed above. The amended § 60.4, which states the address of the Allegheny County Bureau of Air Pollution Control, (to which all reports, requests, applications, and communications to the Administrator regarding this subpart must be addressed) is set forth below.

Another change made by today's action is the update of the address listed for Philadelphia's Air Management Services (AMS). The offices of AMS have been moved to a new location since delegation of NSPS to AMS.

The Administrator finds good cause to make this rulemaking effective immediately without prior public notice since it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 8, 1982.

This rulemaking is effective immediately, and is issued under the authority of Section III of the Clean Air Act, as amended.

The Office of Management and Budget has exempted this action from Executive Order 12291.

## III. List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

(42 U.S.C. 7401-7642)

Dated: June 2, 1982.

Robert J. Mitkus,

Deputy Director, Air and Waste Management Division.

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (NN) to read as follows:

### § 60.4 Address.

(b) \* \* \*

(NN) (a) City of Philadelphia: Philadelphia Department of Public Health, Air Management Services, 500 S. Broad Street, Philadelphia, PA 19146.

(b) Commonwealth of Pennsylvania: Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania 17120.

(c) Allegheny County: Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201.

[FR Doc. 82-15938 Filed 6-11-82; 8:45 am]

BILLING CODE 6560-50-M

## VETERANS ADMINISTRATION

[41 CFR Parts 8-4 and 8-75]

### Consulting and Related Services; Delegations of Authority

AGENCY: Veterans Administration.

ACTION: Final Rule and Request for Comments.

**SUMMARY:** This final rule revises Veterans Administration Procurement Regulations to conform to FPR 1-4.8. The VA has been asked to participate in the development and implementation of a model control system for consulting and related services. Although the model does not significantly depart from controls presently in place in VA Procurement Regulations, additional management control components required by the model are incorporated in this revision. Implementation of the model includes an evaluation phase to begin on the date of this application. As part of the test phase, the VA requests comments on the model system.

**EFFECTIVE DATE:** This rule is effective June 8, 1982. Comments on the model system itself to be sent to the address below by no later than August 31, 1982.



**ADDRESS:** Policy and Interagency Service (91), Office of Procurement and Supply, 810 Vermont Avenue, NW., Washington, D.C. 20420.

**FOR FURTHER INFORMATION CONTACT:** T. J. Ganous, Telephone (202) 389-5465.

**SUPPLEMENTARY INFORMATION:** The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of section 603 and section 604. The reason for this certification is because this rule is not likely to result in a major increase in costs to consumers or others, or to have other significant adverse effects.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal procedures, the rulemaking process is considered unnecessary in this instance.

#### List of Subjects in 41 CFR Parts 8-4 and 8-75

Government procurement, Livestock, Utilities, Authority delegations (Government agencies).

Approved: June 8, 1982.

Robert P. Nimmo,  
Administrator.

41 CFR Part 8-4, *Special Types and Methods of Procurement*, and Part 8-75, *Delegations of Authority*, are revised as follows:

### PART 8-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

#### Subpart 8-4.8 Consulting and Related Services

1. Subpart 8-4.8 is added to 41 CFR Part 8-4 to read as follows:

- Sec.
- 8-4.800 Scope of subpart.
  - 8-4.802 Definition.
  - 8-4.803 Contracting requirements.
  - 8-4.803-1 Basic policy.
  - 8-4.803-2 Guidelines for use of consulting services.
  - 8-4.803-3 Responsibilities.
  - 8-4.803-4 Approval of procurement of consulting services.
  - 8-4.803-5 Special controls for letters of agreement.
  - 8-4.804 Contract data reporting.
  - 8-4.851 Organizational conflicts of interest.
  - 8-4.851-1 Basic policy.
  - 8-4.851-2 Contracting officer responsibilities.
  - 8-4.852 Ethics in Government Act.
  - 8-4.853 Management and professional services.

Sec.

- 8-4.853-1 Scope.
- 8-4.853-2 Definition.
- 8-4.853-3 Guidelines for use of contracts for management and professional services.
- 8-4.853-4 Approval for use of contractual services.
- 8-4.853-5 Contract administration.

#### Subpart 8-4.8—Consulting and Related Services

##### § 8-4.800 Scope of subpart.

This subpart implements FPR 1-4.8 and supplements it with the basic policy prescribed by OMB Circular A-120 and with the agency control procedures established pursuant to that directive. The subpart also applies to the procurement of management and professional services, special studies and analyses, and the management and support services for research and development activities as indicated in § 8-4.853.

##### § 8-4.802 Definition.

For the purpose of this subpart, the definition of consulting services shall, in addition to examples listed in FPR 1-4.802, include peer review of research proposals.

##### § 8-4.803 Contracting requirements.

###### § 8-4.803-1 Basic policy.

(a) Consulting services will not be used in performing work of a policy or decision-making or managerial nature which is the direct responsibility of agency officials.

(b) Consulting services will normally be obtained only on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances.

(c) Consulting services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.

(d) Former Government employees per se will not be given preference in consulting service arrangements.

(e) Consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation.

(f) Grants and cooperative agreements will not be used as legal instruments for consulting service arrangements.

(g) A competitive solicitation is the preferred method of obtaining consulting services and should be used to the maximum extent practicable to insure that costs are reasonable. To that end, requests for approval of the use of consulting services must be made in sufficient time to enable the appropriate procurement action to be taken. A firm fixed-price contract (FFP) is the preferred contract type and will be used

to the maximum extent possible. The contracting officer will determine the feasibility of using a FFP contract and may solicit further detail from the requesting official in order to make that determination.

(h) Sponsoring offices will avoid any contact or discussion with prospective contractors that may impinge on the integrity of the procurement process. Final selection of contractors and negotiation of terms, conditions and prices are matters lying solely within the province of the contracting officer (also see § 8-1.402).

(i) Requesting officials submitting requirements for consulting services will submit work statements which are specific, complete, and which specify fixed periods of service. End products must be specific and unambiguous, and defined in terms which directly relate to the problem at hand.

(j) Sole-source contracts for consulting services resulting from unsolicited proposals are generally not appropriate. Therefore, when a using activity receives an unsolicited proposal for consulting services, and determines it has a need for such services, a contracting officer shall synopsise the requirement for publication in the Commerce Business Daily to determine if there are other qualified contractors interested in submitting a proposal. Qualified contractors shall be solicited.

(k) If program or contracting officials become aware of serious deficiencies in the performance of duties and responsibilities outlined in this subpart, they will report such deficiencies to their respective department or staff office heads for corrective action. These reports, including corrective actions taken, will be forwarded to the Administrator.

##### § 8-4.803-2 Guidelines for use of consulting services.

Consulting service arrangements may be used when essential to the mission of the agency to:

(a) Obtain specialized opinions or professional or technical advice which does not exist or is not available within the agency or another agency.

(b) Obtain outside points of view to avoid too limited judgment on critical issues.

(c) Obtain advice regarding developments in industry, university, or foundation research.

(d) Obtain the opinion of noted experts whose national or international prestige can contribute to the success of important projects.

(e) Secure citizen advisory participation in developing or



implementing Government programs that by their nature or by statutory provision call for such participation.

(f) Obtain assistance to complete a necessary project within a specified period of time.

#### § 8-4.803-3 Responsibilities.

(a) Contracting officer responsibilities:  
(1) The contracting officer is responsible for making the determination that the requirements submitted by the requesting official are in fact consulting services. The contracting officer will be guided by definitions in FPR 1-4.8. Upon an affirmative determination that consulting services are being requested, the contracting officer will insure that all justifications for approval required by § 8-4.803-4 are prepared and submitted properly.

(2) The contracting officer will require as a condition of the contract that the contractor will submit all reports with covers which display the following information:

- (i) Name and business address of the contractor.
- (ii) Contract number.
- (iii) Dollar amount of award (including modifications).
- (iv) Type of award, i.e., competitive or noncompetitive.
- (v) Identification of the official who requested the consulting services, including the name of the organization and telephone number.
- (vi) The following notation will be included:

**Note.**—Public Law 97-101, section 412, requires that upon the transfer of the contents of this report, or a substantial part of this report, to any other Government document, the new document shall appropriately identify the contract and contractor involved in the development of this report.

(3) The contracting officer is responsible for assessing actual and potential organizational conflicts of interest. These determinations will be governed by § 8-4.851. The contracting officer should pay particular attention to proposed contract requirements which call for advice on future agency decisions to contract, particularly when the development of specifications and work statements is involved.

(b) **Technical support:** (1) Contracting officers will designate a representative of the sponsoring office as the Contracting Officer's Technical Representative (COTR).

(2) The designated COTR will monitor contract performance in accordance with the plan required by Appendix A of this subpart and submit to the contracting officer all resulting documentation for inclusion in the contract file.

(3) No consulting contract file will be closed out until the sponsoring official has provided for file a written evaluation of the performance of each consulting contractor as well as a statement of the extent to which the contractor's report (or other end product) has been used or is expected to be used. Also, the contracting officer should, in conjunction with the responsible program official, compare the original contract cost with the final cost and determine the nature of any other deviations from the original contract specifications. Any irregularities should be reported to the Inspector General. Final evaluations should also specify reasons for rejecting any of the contractor's recommendations.

(4) Copies of all final evaluations should be sent to the Assistant Deputy Administrator for Procurement and Supply (93).

#### § 8-4.803-4 Approval of procurement of consulting services.

(a) Contracts for consulting services will be approved by the Administrator regardless of amount, except as provided for in § 8-4.803-51. The methodology for obtaining the approvals required by this paragraph are set forth in paragraph (c) of this section. However, no request for approval of procurement shall be initiated by a contracting officer without the requirement for consulting services first having received the review required in paragraph (b) of this section.

(b) Prior to the submission of an approval request to a contracting officer as required by paragraph (c) of this section, the activity requesting the consulting services will have such requirements reviewed and approved at one level above the activity and, if occurring during the fourth quarter, two levels above. At field facilities this initial review need not exceed the facility head. In Central Office this review need not exceed department heads for requirement emanating within the operating departments and will not exceed the Associate Deputy Administrator having jurisdiction for requirements emanating from staff offices. The purpose of this initial review will be to notify management in the chain of command of all consulting services requirements, and to insure that departmental policy pertaining to such services has been adhered to, including any budget restrictions imposed by the Office of Management and Budget.

(c) The approval of the Administrator will be requested by means of a notification of intent prepared by the contracting officer in the form of a letter

or memorandum and submitted through channels to the Assistant Deputy Administrator for Procurement and Supply. The Assistant Deputy Administrator for Procurement and Supply will review the submission for consistency of application of agency policy, and will be responsible for maintaining a consolidated record of requests submitted to the Administrator and the results of those submissions. Subsequent to that review, the notices will be forwarded for the approval of the department head (or designated staff) or to the appropriate Associate Deputy Administrator having jurisdiction over the requesting activity. The General Counsel and the Assistant Deputy Administrator for Budget and Finance will also review and concur in the requests.

(d) The notification of intent will cite the pertinent authority warranting negotiation and, in addition to any required Determination and Findings, will contain the information indicated in Appendix A to this part as applicable to the proposed procurement. Where a specific individual or concern is proposed, the notification of intent will also include a statement as to any previous or current contracts with that individual or concern, and as to the consideration given to organizational conflicts of interest.

(e) The approval of the Administrator is in addition to and does not replace technical and legal reviews of contract documents prior to award prescribed elsewhere in these regulations.

#### § 8-4.803-51 Special controls for letters of agreement.

(a) Letters of agreement may be used to procure consulting services and advisory board memberships only by those individuals designated in § 8-75.201-17(a) and individuals delegated authority under the conditions specified in paragraph (b) of that section. The delegated official will perform or have performed for each letter of agreement all those duties and requirements prescribed in this subpart, as modified by paragraphs (b), (c), (d) and (e) of this section. That official will also insure that all reporting requirements are completed for each action.

(b) The department or staff office head will be the highest level approving official (except under those circumstances described in paragraph (c) of this section) for each procurement action which does not exceed \$500 in consulting fees (excluding travel, per diem and other travel-related costs) and which does not award more than an



accumulated total of \$2,500 per year in consulting fees to any individual or firm.

(c) All actions exceeding the limits specified in paragraph (b) of this section and those actions anticipated to be awarded in a fourth quarter regardless of dollar amount, except as provided for in paragraph (d) of this section, will continue to require the approvals specified in § 8-4.803-4. All such actions will be forwarded through the Assistant Deputy Administrator for Procurement and Supply (93) for review and concurrence.

(d) Advisory board memberships duly established under the authorities contained in Title 38 U.S.C. and peer review of research proposals may be approved by department and staff office heads during the fourth quarter without further review by the Administrator. However, those actions pertaining to board memberships and peer review of research proposals exceeding the dollar limits for other than travel-related compensation as specified in paragraph (b) will require the approval of the Administrator.

(e) In lieu of the requirements outlined in Appendix A of Part 8-4, justifications for letters of agreement will provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services. The justification will also certify that the procurement action will not violate post-employment restrictions prescribed in the Ethics in Government Act and § 8-4.852.

(f) All procurements for consulting services accomplished through letters of agreement will be entered into the agency consolidated listing of consultant contracts in the format prescribed by § 8-4.804, paragraphs (b) and (c). All such log entries applicable to Central Office activities shall be forwarded to the Assistant Deputy Administrator for Procurement and Supply (93). That office shall also be responsible for entering such information pertaining to Central Office letters of agreement into the Federal Procurement Data System.

#### § 8-4.804 Contract data reporting.

(a) The contracting officer will take care to report correctly a contract award for consulting services in the Federal Procurement Data System.

(b) A separate log (in addition to any station contract register) for all consulting services contracts, regardless of dollar value, will be maintained at the procuring activity for management control purposes. Log entries will be made on separate sheets of paper for each contract award and in the following format:

(1) Contract/obligation number.

(2) Date of award.

(3) Requesting service.

(4) Type of award, i.e., competitive or noncompetitive.

(5) Name and address of awardee.

(6) Contract price.

(7) A short narrative description of the work to be performed.

(c) The contracting officer will forward a copy of each log entry on standard size plain white bond paper to the Assistant Deputy Administrator for Procurement and Supply (93) on a quarterly basis. Log entries should be received in Central Office no later than 15 days after the end of each quarter. Upon receipt of log entries, the Office of Procurement and Supply (93) will immediately enter all submissions into the consolidated listing. Negative responses, if applicable, are required on an annual basis and should be received in Central Office no later than 15 days after the end of the fiscal year.

(d) Upon a change in status of a consultant contract, i.e., termination, modification, extension or completion, the contracting officer will annotate the log entry and resubmit a copy of the entry to the Assistant Deputy Administrator for Procurement and Supply (93).

#### § 8-4.851 Organizational conflicts of interest.

##### § 8-4.851-1 Basic policy.

The determination that organizational conflicts of interest exist can only be made when facts surrounding individual contracting situations are known. Therefore, it is up to the contracting officer to exercise common sense, good judgment and sound discretion in making such a determination and to take steps to mitigate to the greatest extent possible organizational conflicts of interest. The contracting officer will be guided by at least two underlying principles. These are that organizational conflicts of interest may result from (a) Conflicting roles and interests of the contractor, in which case he/she would be unable to give unbiased and objective advice or may otherwise produce a biased work product; or (b) Unfair competitive advantage which exceeds a normal flow of benefits from the award of the contract.

##### § 8-4.851-2 Contracting officer responsibilities.

(a) Contracting officers will be responsible for determining the existence of actual and/or potential organizational conflicts of interest which would result from the award of the contract. The contracting officer will be guided by information submitted by offerors and by his/her own judgment.

The contracting officer may obtain the advice of legal counsel and the assistance of technical specialists in evaluating potential organizational conflicts.

(b) If it is determined that organizational conflicts of interest will be created by the award of the contract, the contracting officer may find an offeror nonresponsible.

(c) Notwithstanding the existence of organizational conflicts of interest, it may be determined that the award of the contract would be in the best interest of the Government. In that case, the contracting officer may set terms and conditions which will reduce the organizational conflicts of interest to the greatest extent possible, with the approval of the head of the procuring activity.

(d) The contracting officer will, in addition to any certifications required by this subpart, require in all solicitations for consulting services that the offeror submit as part of an offer a statement which discloses all relevant facts relating to existing or potential organizational conflicts of interest surrounding the contract and/or the proposed use of subcontractors during the contract.

(e) The following representation will be made a part of all solicitations for consulting services.

#### *Organizational Conflicts of Interest*

(a) *The offeror represents to the best of his/her knowledge and belief that the award of the contract/would/or/would not/involve organizational conflicts of interest as defined in this representation. The term organizational conflicts of interest shall mean that a relationship exists whereby an offeror or a contractor (including his/her chief executives, directors, proposed consultants and subcontractors) has interests which may (1) diminish his/her capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product; or (2) result in an unfair competitive advantage. It does not include the "normal flow of benefits" from the performance of a contract.*

(b) *Based on this representation and any other information solicited by the contracting officer, it may be determined that organizational conflicts of interest exist which would warrant disqualifying the contractor for award of the contract unless the organizational conflicts of interest can be mitigated to the contracting officer's satisfaction by negotiating terms and conditions of the contract to that effect. In the case of a formally advertised solicitation, the apparent successful offeror may enter into a supplemental agreement which mitigates the organizational conflicts of interest.*

(c) *Nondisclosure or misrepresentation of organizational conflicts of interest at the time of the offer, or arising as a result of a*



modification to the contract, may result in the termination of the contract at no expense to the Government.

#### § 8-4.852 Ethics in Government Act.

(a) Former employees are not specifically prohibited under Section 207 of Title 18, United States Code, from acting as consultants for the Veterans Administration. However, former employees are prohibited, for certain periods of time, from representing or otherwise acting as agents of other parties for the purpose of obtaining Government contracts.

(b) The certification in § 8-1.1250 will be made a part of all solicitations for consulting services and management and professional services contracts.

#### § 8-4.853 Management and professional services.

##### § 8-4.853-1 Scope.

(a) The controls in this section are applicable to management and professional services, special studies and analyses and management and support services for research and development. Specific types of services to be controlled are listed in Appendix B. Management and support services for research and development are the same services listed in Appendix B when procured with Research and Development funds. However, the controls do not apply to the conduct of research and development.

(b) Services in other than the categories listed in Appendix B are also controlled if covered by the definition in § 8-4.853-2 and either represent unusual, nonroutine requirements or requirements having significant impact on agency operations. Contracting officers will be responsible for making such determinations.

(c) This section does not apply to contracts for the medical, dental and ancillary care of beneficiaries or to contracts for the provision of other services directly to beneficiaries, such as educational services.

##### § 8-4.853-2 Definition.

The term "management and professional services" means those services related to the performance of operating functions of an agency, involving knowledge of an advanced type, and requiring the use of discretion and judgment. Management and professional services differ from consulting services in that the latter term refers to services of a purely advisory nature. Both categories of services involve selection of the contractor on the basis of qualifications, rather than price alone, and are

therefore normally procured by negotiation.

#### § 8-4.853-3 Guidelines for use of contracts for management and professional services.

(a) *Contracts are appropriate when:*  
(1) Unusual or peak workloads occur that cannot be accomplished by Government personnel.

(2) Work involved is of an intermittent, occasional, or one-time nature for which the hiring of Government personnel is not feasible.

(3) They result in a more economical method of performing the work. (See OMB Circular A-76, revised.)

(b) *Contracts are inappropriate (improper or illegal) when:* (1) The service involves exercising a Governmental judgment, i.e., managing programs requiring value judgements; selection of priorities; direction of Federal employees; and all regulatory responsibilities.

(2) An employer-employee relationship would be established or involved.

(3) They circumvent personnel salary or ceiling limitations.

#### § 8-4.853-4 Approval for use of contractual services.

(a) All contracts controlled by this section require the approval of the Administrator except as provided in paragraph (b) of this section. The procedure to be used in obtaining approval is the same as that required for a consulting service as prescribed in § 8-4.803-4. The format and content of the supporting justification will be the same as that in Appendix A.

(b) Contracts not exceeding \$500 may be approved by the heads of facilities, without higher level review, for requirements emanating at the local level. In Central Office, contracts not exceeding \$500 may be approved at one level above the requesting activity, without higher level review. Supporting justifications will be the same as required in paragraph (a) of this section.

(c) The approvals of officials designated in paragraphs (a) and (b) of this section are in addition to and do not replace the technical and legal reviews of contract documents prior to award prescribed elsewhere in these regulations.

#### § 8-4.853-5 Contract administration.

(a) All the basic policy considerations contained in § 8-4.803-1 are applicable to services controlled herein, including the development of work statements which are specific, complete and which specify fixed periods of service and the solicitation of other qualified sources for

proposed sole-source awards emanating from unsolicited proposals.

(b) All responsibilities of contracting officers and their technical representatives as prescribed in § 8-4.803, Contracting requirements, will apply to services controlled by this section, including the monitoring of contractor performance and the final evaluation of end products.

(c) All reporting requirements contained in § 8-4.804, Contract data reporting, are applicable to services controlled by this section.

#### §§ 8-4.5200—8-4.5205 (Subpart 8-4.52) [Removed]

#### §§ 8-4.5300—8-4.5303 (Subpart 8-4.53) [Removed]

2. Part 8-4 is amended by removing Subparts 8-4.52, Consulting Services and 8-4.53, Management, Administrative and Professional Services.

3. Part 8-4 is amended by removing Appendix A; by revising Appendix B and redesignating it as Appendix A; and by adding a new Appendix B so that the revised and added material reads as follows:

#### Appendix A.—Information to be Included in Requests for Contractual Services

Requests for approval to procure contractual services, whether with individuals or firms, must contain statements on the following items where applicable. Items other than those listed may be added to clarify or justify the request.

##### Problem or Project

1. Description of the problem or project.
2. Length of time this problem or condition has existed.
3. Effect on the mission should the problem continue to exist.
4. Specific examples of losses or excessive costs caused by the problem.
5. Whether the proposed study or project is a small segment of a much greater project. If so, elaborate on the complete study or project and state what action will be taken concerning the overall project when this segment is completed.
6. Alternative approaches available to perform this work, and reasons for eliminating each approach.
7. Previous attempts to solve the problem or perform the work and their results, with an explanation why they were unsuccessful if that was the case.
8. Results or end products sought. End products can be as simple as a report containing recommendations, or as lengthy and detailed as a completely installed system for management.
9. Efforts made to determine if similar studies or other sources of information already exist, and whether this proposed effort duplicates other efforts known to have taken place or which are ongoing.



10. Whether a lack of equipment has a bearing on this problem. If so, what attempts were made to remedy the situation?

11. Type of skills required to solve problem or accomplish the project.

#### Personnel

12. Whether a shortage of qualified personnel has a bearing on the problem. If so, what attempts were made to remedy the situation?

13. Number of in-service personnel by descriptive title to be made available to work with the contractor.

14. If the services of a specific individual are requested, specific reasons why this individual or another equally competent individual cannot be temporarily employed as authorized in personnel regulations.

15. If a request is for a specific individual, reasons for selecting that person over other suitable persons. List of other suitable persons, or explanation if there are none.

#### Firms

16. If a specific firm is recommended, reasons for selecting it over other suitable firms, or explanation if there are none.

#### Cost of Contract and Funds

17. Estimated cost of contract.

18. Identification of funds to be used to pay for contract.

#### Attachments

19. Copies of staff studies and papers bearing on the problem.

20. Copy of proposed contract work statement.

#### Automated Data Processing

21. If the request includes a requirement for services related to ADP, a copy of a completed and approved GSA Form 2068, Request for ADP Services (FPMR 101-36.2).

#### Evaluation

22. The methodology by which contractor performance will be monitored including how departures from the original contract specifications will be documented and approved.

23. The methodology by which the final product will be evaluated and by whom.

#### Advance Procurement Planning

24. Does the requirement fall within the activity's advance procurement plan, and if not, why?

**Appendix B—Management and Professional Services, Special Studies and Analyses, and Management and Support Services for Research and Development**

#### Federal Procurement Data System

#### Service Code and Category

Management and Professional Services:

- R402—Management Data Collection Services
- R405—Operations Research Services
- R406—Policy Review/Development Services
- R407—Program Evaluation Services
- R408—Program Management/Support Services
- R409—Program Review/Development Services

- R410—Public Relations Services
- R412—Simulations
- R413—Specifications Development Services (Nonconstruction)
- R498—Other Professional Services
- R499—Other Management Services
- Special Studies and Analyses:
- R501—ADP Systems Analyses
- R505—Cost Benefit Analyses
- R507—Economic Studies and Analyses
- R513—Feasibility Studies (Nonconstruction)
- R521—Historical Studies
- R523—Legislative Studies
- R524—Mathematical/Statistical Analyses
- R527—Recreation Studies
- R528—Regulatory Studies
- R529—Scientific Data Studies (Nonmedical)
- R531—Socio-Economic Studies
- R537—General Health Studies
- R599—Other Special Studies and Analyses

### PART 8-75—DELEGATIONS OF AUTHORITY

4. Section 8-75.201-17 is added to 41 CFR Part 8-75 to read as follows:

#### § 8-75.201-17 Letters of agreement.

(a) Authority to execute, award, and administer letters of agreement is delegated to the following:

- (1) General Counsel.
- (2) Assistant Deputy Administrator for Personnel and Labor Relations.
- (3) Chief Medical Director.
- (4) Chief Benefits Director.
- (5) Chief Memorial Affairs Director.
- (6) Assistant Deputy Administrator for Procurement and Supply.

(b) The contracting officers name in paragraph (a) of this section may designate one or more subordinates, and authority to execute the same duties and responsibilities is hereby delegated to such subordinates. All such designations will be in writing and will specifically state the scope and limitations of the designees' contractual authority. Copies of all designations will be forwarded to the Assistant Deputy Administrator for Procurement and Supply (93).

[FR Doc. 82-15094 Filed 6-11-82; 8:45 am]

BILLING CODE 8320-01-M

### DEPARTMENT OF TRANSPORTATION

#### Maritime Administration

#### 46 CFR Ch. II

#### OMB Control Numbers for Reporting Requirements in Regulations

**AGENCY:** Maritime Administration, Transportation (DOT).

**ACTION:** Technical amendments.

**SUMMARY:** This document amends MARAD regulations to include OMB control numbers in the regulations

wherever current information collection requirements are described.

**EFFECTIVE DATE:** June 14, 1982.

#### FOR FURTHER INFORMATION CONTACT:

John L. Mann, Jr., Director, Office of Management & Organization, 400 7th St., S.W., Washington, D.C. 20590, (202) 426-5816.

#### SUPPLEMENTARY INFORMATION:

#### Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers contained in the listing.

#### Text of the Amendments

Following the text of each section in Chapter II of Title 46, Code of Federal Regulations, cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column.

CFR Citation	OMB Control No.
Section:	
221.14	(2133-0006)
221.23	(2133-0015)
221.30	(2133-0015)
222.1	(2133-0008)
222.2	(2133-0016)
251.1	(2133-0020)
251.11	(2133-0017)
252.24(a)	(2133-0024)
252.24(d)	(2133-0005)
252.31	(2133-0004)
252.33(d)	(2133-0004)
252.34(f)	(2133-0004)
252.41	(2133-0024)
272.7	(2133-0007)
281.1	(2133-0009)
282.1	(2133-0022)
287.4	(2133-0032)
298.3	(2133-0018)
309.8	(2133-0011)
310.5	(2133-0010)
355.2	(2133-0012)
390.2	(2133-0027)

Georgia P. Stamas,

Assistant Secretary, Maritime Administration.

[FR Doc. 82-15780 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-81-M

### FEDERAL MARITIME COMMISSION

#### 46 CFR Part 510

[General Order 4, Revised: Docket No. 80-13]

#### Licensing of Independent Ocean Freight Forwarders

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.



**SUMMARY:** The effect of this action is to continue to allow vessel operating common carriers and their agents to receive freight forwarder compensation on shipments with respect to which they performed both common carrier and freight forwarding functions. It amends a proposal adopted by the Commission, but not made effective, which would have prohibited the receipt of such compensation.

**DATE:** Section 510.33(g), as revised herein, will be effective July 14, 1982.

**ADDRESS:** For further information contact: Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5843.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this proposed rulemaking proceeding on March 17, 1980 (45 FR 17029) to revise General Order 4 (46 CFR 510), which governs the licensing and operations of independent ocean freight forwarders (forwarders). One of the proposed revisions was the substitution of a new rule for original § 510.22(c). Insofar as is relevant here, § 510.22(c) prohibited the receipt of compensation<sup>1</sup> by a forwarder who also acted as, or who was related to a person who acted as, a nonvessel operating common carrier (NVO) on the same shipment.

In pertinent part, § 510.22(c) reads as follows:

A nonvessel operating common carrier by water or person related thereto \* \* \* may collect compensation under section 44(e) when, and only when, the following certification is made on the "line copy" of the ocean carrier's bill of lading, in addition to all other certifications required by section 44 of the Shipping Act, 1916, and this part: "The undersigned certifies that neither it, nor any related person, has issued a bill of lading covering ocean transportation or otherwise undertaken common carrier responsibility for the ocean transportation of the shipment covered by this bill of lading." Whenever a person acts in the capacity of a nonvessel operating common carrier by water as to any shipment he shall not be entitled to collect compensation under section 44(e) nor shall a common carrier by water pay such compensation to a nonvessel operating common carrier for such shipment.

The proposed revision of § 510.22(c) initially was designated as new § 510.33(i). This proposed new rule would have expanded the prohibition in § 510.22(c) by also prohibiting the

receipt of compensation by a forwarder who acted as a vessel operating common carrier, or agent of such carrier, on the same shipment.

In its final version, published by the Commission on May 1, 1981 (46 FR 24565), with a scheduled effective date of October 1, 1981, § 510.33(i) was redesignated as § 510.33(g) and read as follows:

(g) *Licensed oceangoing common carriers; compensation.* An oceangoing common carrier, agent or person related thereto, acting as an independent ocean freight forwarder, may collect compensation when, and only when, the following certification is made on the "line copy" of the underlying carrier's bill of lading, in addition to all other certifications required by this part:

The undersigned certifies that neither it, nor any related person, has issued a bill of lading covering the ocean transportation of the shipment covered by this bill of lading or otherwise undertaken common carrier responsibility therefor.

Whenever a person acts in the capacity of an oceangoing common carrier or agent thereof as to any shipment, such person shall not be entitled to collect compensation nor shall any underlying carrier pay such compensation to such oceangoing common carrier or agent thereof for such shipment.

On May 27, 1981, a Petition for Clarification and Reconsideration was filed on behalf of five forwarders operating in Florida, North Carolina, South Carolina and Georgia. As a result of this petition, on July 14, 1981, the Commission stayed the effective date of section 510.33(g) as to vessel operating common carriers and agents, and gave further notice of proposed rulemaking so that the merits of the expanded prohibition could be explored in full.

Subsequently, comments were submitted by the following:

1. Freehill, Hogan and Mahar, Attorneys for Associated Latin American Freight Conferences;
2. Independent Freight Forwarders and Customs Brokers Association of Savannah, Inc.;
3. Senator Jesse Helms of North Carolina;
4. Congressman Walter B. Jones of North Carolina;
5. National Customs Brokers and Forwarders Association of America, Inc.; and
6. Kominers, Fort, Schlefer and Boyer, Attorneys for the five original forwarder/petitioners in Florida, North Carolina, South Carolina and Georgia.

The position taken by each commentator is summarized below:

*Associated Latin American Freight Conferences*

The Conferences favor § 510.33(g) as adopted in the final rules. They state

that in instances where a forwarder is controlled by a carrier, the forwarder would not be acting in the typical arm's-length fashion, but more like an "in-house" sales and booking department. They raise the question of whether such a forwarder/agent actually was performing the statutorily required services to be eligible to receive compensation, i.e., it could be argued that the carrier already was providing the services for itself and thus was barred by law from paying compensation for such services.

*Independent Freight Forwarders and Customs Brokers Association of Savannah, Inc.*

The Association favors § 510.33(g) and argues that carriers and their agents should not be licensed in the first place. The Association also requests a rule which would make carriers pay compensation promptly.

*Senator Jesse Helms*

Senator Helms objects to § 510.33(g). He states that if there is no basis for denying licenses to forwarder/agents, there is no apparent basis for denying them the right to collect compensation. He maintains that the effect of the rule will be anti-competitive because forwarder/agents will be forced to choose between the ship's agent business and freight forwarding business. Such a choice, he states, would seriously affect ports where there is insufficient business to justify separate freight forwarding and ship's agency business. Senator Helms also states that he understands there are serious legal impediments to the rule.

*Congressman Walter B. Jones*

Congressman Jones objects to § 510.33(g) because of its restriction on compensation to forwarder/agents. He feels the rule would severely jeopardize the livelihood of small-port forwarders who combine their forwarding business with ship agency business, and believes that the rule may be contrary to the intent of Congress.

*National Customs Brokers and Forwarders Association of America, Inc.*

The Association supports § 510.33(g) and maintains that the rule will prevent forwarder/agents from receiving double payment for substantially the same services, i.e., an agency commission and forwarder compensation, thus dissipating carrier revenue. The Association also points out that Congress has prohibited a carrier from paying compensation to a forwarder who has not performed certain functions

<sup>1</sup> The term "compensation", as used in the Commission's forwarder regulations, means the payment by a water common carrier to a forwarder. Such payment is prohibited by section 44(e) of the Shipping Act, 1916, unless the forwarder performs certain functions that the common carrier otherwise would have to perform itself.



specified in the Shipping Act, 1916—functions which the carrier must otherwise perform itself. The question is, in the case of a person who acts as both a forwarder and an agent, who actually is performing such functions—the forwarder or the agent? Further, if the forwarder and carrier are represented by the same person, there is no motivation for such person to ensure that the statutory prerequisites for the payment of compensation have been met. Such conflict of interest extends even more obviously to a forwarder/agent attempting to service the opposing interests of the shipper and carrier at the same time. The Association also states that § 510.33(g) will serve to correct the present anti-competitive situation in small ports where nonagent forwarders find it difficult to compete with forwarder/agents. It is difficult for nonagent forwarders to compete because forwarder/agents receive double payment from the carrier and are able to use such higher revenue to underquote nonagent forwarders when soliciting export shippers.

*Florida, North Carolina, South Carolina and Georgia Forwarders*

The five Florida, North Carolina, South Carolina and Georgia forwarders mentioned above object to § 510.33(g) because it restricts their "right" to collect compensation when and if they choose to act as agents. They state that Congress, in the 1959-1961 period, deliberately refused to give the Commission power to deny licenses to carriers or agents or to restrict their right to compensation. Thus, they state that the restriction in § 510.33(g) would violate a forwarder's right to compensation under section 44(e) of the Shipping Act, 1916 (Act), and also would violate section 44(d) of the Act and section 9(b) of the Administrative Procedure Act by restricting a license without affording a hearing to the licensee. Further, they state that fifteen years of Commission files disclosed no basis for the "concern" expressed in the March, 1980 notice of proposed rulemaking. In addition, these forwarders argue that the Commission ignores the fact that forwarder/agents are entitled to dual compensation (i.e., forwarder compensation and agency commissions or fees) because they perform dual functions. Finally, these five forwarders argue that, for a number of procedural reasons, due process has been denied. They request oral argument.

After giving full consideration to the above summarized comments, the Commission has decided against adopting the proposed change to the

previous rule (§ 510.22(c) of General Order 4) concerning the receipt of compensation. Thus, a vessel operating common carrier or its agent, who also functions as a licensed ocean freight forwarder on the same shipment, may continue to receive compensation. Licensed nonvessel operating common carriers by water and forwarders related thereto will not be permitted to receive compensation. In short, all parties will be left as they were under previous § 510.22(c). After reconsidering all of the arguments pro and con, the Commission sees no reason to alter the status quo concerning this issue.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that this action will not have a significant economic impact on a substantial number of small entities within the meaning of the said Act. This action will not require forwarders or any other persons to submit reports or maintain records. Since it is a decision against adopting a new rule, it will result in no regulatory burden of any type on any person.

**List of Subjects in 46 CFR 510**

Freight forwarders and common carriers.

**PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS**

Therefore, pursuant to sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841a and 841b), and 5 U.S.C. 553, § 510.33(g) of Title 46, Code of Federal Regulations, is revised to read as follows:

**§ 510.33 Forwarder and carrier; compensation.**

\* \* \* \* \*

(g) *Licensed oceangoing common carriers; compensation.* A nonvessel operating common carrier by water or person related thereto licensed under this part may collect compensation when, and only when, the following certification is made on the "line copy" of the underlying carrier's bill of lading, in addition to all other certifications required by this part:

The undersigned certifies that neither it nor any related person has issued a bill of lading or otherwise undertaken common carrier responsibility as a nonvessel operating common carrier for the ocean transportation of the shipment covered by this bill of lading.

Whenever a person acts in the capacity of a nonvessel operating common carrier by water as to any shipment such person shall not collect compensation, nor shall any underlying carrier pay

compensation to such person for such shipment.

By the Commission.

Francis C. Hurney,  
Secretary.

[FR Doc. 82-16020 Filed 6-11-82; 8:45 am]

BILLING CODE 6730-01-M

**46 CFR Part 536**

[General Order 13, Amdt. No. 11; Docket No. 81-50]

**Per Container Rates; Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States**

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

**SUMMARY:** This prescribes the form and manner governing the establishment of per-container/trailer rates to ensure the proper application of such rates.

**DATES:** Effective August 13, 1982.

**ADDRESS:** For further information contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573; (202) 523-5827.

**SUPPLEMENTARY INFORMATION:** On August 28, 1981 the Commission published a Notice of Proposed Rulemaking in the Federal Register (46 FR 43474) which proposed two alternative rules to govern the establishment of per-container/trailer rates. The first would require the publication of the size and capacity specifications of containers and trailers upon which per-container/trailer rates are based and would require that the rate vary directly with the capacity. The second alternative would not require a specific relationship between the capacity of the container/trailer and the rate charged (although carriers would certainly be free to establish such a relationship), but rather it would permit the carrier to establish categories of containers and to charge the same rate for any container or trailer falling within the category, e.g., 20-foot dry van, 40-foot reefer, etc.

Comments to the Notice of Proposed Rulemaking were submitted by or on behalf of eight shippers,<sup>1</sup> three carriers,<sup>2</sup> four other organizations and associations<sup>3</sup> and forty-five

<sup>1</sup> Union Carbide Company, RCA Corporation, E. I. du Pont de Nemours & Co., Emerson Electric Co., General Electric Company, Military Sealift Command, Airco Carbon, Rohm and Haas.

<sup>2</sup> Compagnie Maritime d'Affrètement, United States Lines, Inc., Sea-Land Service, Inc.

<sup>3</sup> Houston Port Bureau, Inc., Tobacco Association of United States, California Association of Port



conferences.\* These comments are addressed below.

## I. Definitions

Several commentators argued that the definitions governing the terms used in the per-container/trailer rate rule should appear in the rule itself rather than in that section of Part 536 establishing tariff filing definitions generally. The Commission agrees. While there are advantages in having all the definitions in one place, because the terms defined here pertain only to per-container/trailer rates, the definitions will be relocated to § 536.12.

Several comments were received regarding the definition of "capacity." However, because the term is not otherwise used in the final rule adopted, there is no need for this definition and it will be deleted.

One commentator suggested that the definition of containers be expanded to

include "any receptacle used for the storage of shipments during transportation." The Commission agrees that a more expansive definition is necessary but is of the opinion that the word "receptacle" is too vague. Accordingly, the definition will be modified to include examples of those sorts of containers that are encompassed in the definition.

Many conferences contended that the definition of "mixed shipments" should be limited to CY/CY shipments. While such a limitation has merit, the Commission has concluded that any limitation should be made on a commercial basis by the conference or carrier rather than imposed by rulemaking.

The definition of "shipment" in the proposed rule concluded with the phrase "for delivery to one or more destination location." Several commentators opposed the rule's application to more than one delivery port or point. They pointed out that the words "or more" in the definition of "shipment" might be read as allowing "per-container/trailer" rates to be quoted for less than containerload ("LCL") shipments. There is merit to this contention. If "per-container/trailer" rates are to be applied to a portion of a container/trailer load at each destination port, confusion could arise as to how much of the container/trailer is occupied by the cargo. This would be in essence a return to a weight/measurement system and is inconsistent with the concept of per-container/trailer rates. Allowing per-container/trailer rates to be quoted to multiple destinations would defeat a principal advantage of per-container/trailer rates to shippers and carriers, which is the ability to calculate transportation rates on the basis of a uniform and interchangeable cargo unit, the container/trailer. Therefore, the words "or more" have been deleted from the final rule. Moreover, because the "shipment" provision imposes a limitation on the publication of per-container/trailer rates and is not merely a definition in any event, it has been included as a filing requirement in § 536.12(b)(1).

At the suggestion of one commentator, the word "freight" has been changed to "cargo" in the definition of "trailer" to make it conform to other sections of the Commission's tariff filing rules embodied in Part 536.

## II. Tariff Filing Requirements

Most commentators preferred what has been termed the second alternative, i.e., permit the establishment of categories of containers/trailers.

Although the first alternative is more precise, the Commission is of the opinion that the objective of the rulemaking can be accomplished by adopting the second alternative. Accordingly, it has incorporated it into the final rule.

The second alternative requires the carrier to limit the application of the per-container/trailer rate to a given category of equipment. The types of containers falling within the category must be clearly described. For example, a per-container/trailer rate which, by its terms, is limited to standard 40-foot dry vans may not be applied to a 40-foot high cube container. However, a carrier may provide a formula for the use of an alternate container/trailer where equipment in the specified category is unavailable. Absent such a formula, weight and measure commodity rates must be applied to shipments moving in containers/trailers which do not fall within the category of equipment specified by the per-container/trailer rate item.

Likewise when there is no specific provision for a given mixture of cargo, the weight or measurement rate for each commodity shall apply. Several commentators suggested, as an alternative, that tariffs with mixed shipment rates be required to contain a residual rating formula for mixtures not specifically itemized in the tariff. However, it is unclear how rates established by a residual formula could be applied so as to ensure that they would not alternate or conflict with individual commodity rates found in the tariff. Absent a clear application of rates, the potential for abuse is significant. Accordingly, the suggestion has not been adopted. This decision does not prevent the carrier from meeting the needs of the shippers it serves. The Commission is not prescribing the terms of any mixing provision. If a shipper cannot or does not meet the requirements for a published rate, it can request the carrier to publish a rate with a mixture requirement which it can meet.

It has been suggested that the requirement that the mixed shipment rates specify "limitations as to ports or points of destination" be deleted because the port range served is published in a general section of a tariff and, as a result, would be applicable to mixed shipments as well as to other shipments. Section 536.12(b)(1) limits the application of per-container/trailer rates to shipments moving between a single origin point or port and a single destination point or port within the range served. Per-container/trailer rate

Authorities, Motor Vehicle Manufacturers Association.

\*Lillick, McHose & Charles for Pacific-Straits Conference, Pacific Indonesian Conference, Malaysia-Pacific Rate Agreement—Lillick, McHose & Charles for Trans-Pacific American Flag Berth Operators—Lillick, McHose & Charles for Pacific Westbound Conference—Far East Conference, Graham & James for North Europe-U.S. Pacific Freight Conference, Pacific Australia-New Zealand Conference, Pacific Coast European Conference, Freehill, Hogan & Mahar for Atlantic & Gulf/Panama Canal Zone, Colon and Panama City Conference, Atlantic & Gulf/West Coast of South America Conference, East Coast Colombia Conference, Southeastern Caribbean Conference, United States Atlantic & Gulf-Jamaica Conference, United States Atlantic & Gulf-Santo Domingo Conference, United States Atlantic & Gulf-Venezuela Conference, West Coast South America Northbound Conference, United States Atlantic & Gulf-Haiti Conference, United States Atlantic & Gulf-Ecuador Freight Conference, Warren & Associates for Trans-Pacific Freight Conference of Japan/Korea, Japan/Korea-Atlantic and Gulf Freight Conference, Warren & Associates for Philippines North America Conference, Billig, Sher & Jones, P.C. for Australia-Eastern U.S.A. Shipping Conference, Greece/U.S. Atlantic Rate Agreement, Iberian/U.S. North Atlantic Westbound Freight Conference, Marseilles North Atlantic U.S.A. Freight Conference, Med-Gulf Conference, Mediterranean-North Pacific Coast Freight Conference, North Atlantic Mediterranean Freight Conference, U.S. Atlantic & Gulf/Australian-New Zealand Conference, U.S. North Atlantic Spain Rate Agreement, U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement, The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (WINAC), Burlington Underwood & Lord for Inter-American Freight Conference, Howard A. Levy for the North European Conferences consisting of North Atlantic United Kingdom Freight Conference, North Atlantic French Atlantic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic Baltic Freight Conference, Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference, Continental North Atlantic Westbound Freight Conference, North Atlantic Westbound Freight Association, United Kingdom & U.S.A. Gulf Westbound Rate Agreement, Continental-U.S. Gulf Freight Association, Gulf-United Kingdom Conference, Gulf-European Freight Association.



items need not identify these ports or points by name.

Several other non-substantive changes have been made to clarify the intent of § 536.12(b)(1) establishing the per-container/trailer rate filing requirements. The number of examples in the rule has been expanded to more clearly indicate what information should be included when categorizing a container or trailer.

Some commentators are concerned that by this rule the Commission is encouraging the establishment of per-container/trailer rates while others fear that the rule will hamper the development of this type of rates. It is the Commission's intention neither to promote nor discourage this form of ratemaking. The Commission's only interest is providing a meaningful form and manner by which per-container/trailer rates may be lawfully established. The decision whether to establish such rates remains with the carriers and conferences. Nor does the Commission intend by this rule to limit the categories of containers/trailers for which the rule format would apply. Carriers are not only free to develop innovative and simplified rate and tariff structures, but are encouraged to do so.

A number of commentators argue that the rule should not require a mixed shipment per-container/trailer rate item to specify the commodities to which the rate applies. The commentators were particularly concerned over the effect of the rule on shipments by non-vessel operating common carriers and container loads of odd lots of cargo tendered as a consolidated container shipment. The requirement to identify the commodities which are subject to a per-container/trailer rate is designed to prevent mixed shipment per-container/trailer rates from duplicating or conflicting with any FAK (Freight All Kinds) and Cargo N.O.S. (Not Otherwise Specified) rates which may be published in the same tariff. FAK and Cargo N.O.S. rates present unique problems and potential duplications and conflicts. Cargo N.O.S. is an all-encompassing description which is utilized to provide a rate for a given commodity when no specific rate for that commodity appears in the tariff. An FAK rate is as the name implies, a description utilized to rate "All Kinds" of freight. Without some qualification it would duplicate or conflict with a Cargo N.O.S. rate. To permit both FAK and Cargo N.O.S. rates in the same tariff, carriers usually qualify the FAK description in order to distinguish it from the Cargo N.O.S. rate.

Likewise, mixed shipment per-container/trailer rates must be distinguished from FAK and Cargo N.O.S. rates. However, the requirement to distinguish mixed shipment per-container/trailer rates from FAK rates should not be construed to require any particular limitation or qualification on FAK or Cargo N.O.S. rates. Nor is it intended to limit the flexibility of carriers in designing tariff provisions to serve the needs of the U.S. foreign commerce.

Carriers and conferences will be provided 60 days after its publication in the Federal Register to bring their tariffs into conformity with this rule.

The Commission finds that this rule is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601). Section 601(2) of that Act excepts from its coverage any "rule of particular applicability relating to such rates \* \* \*." As this rule clearly relates to rates and practices, the Regulatory Flexibility Act requirements are determined to be inapplicable.

Information collection requirements contained in this regulation (§ 536.12(b)(1), (2) and (3)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 3072.0036.

#### List of Subjects in 46 CFR Part 536

Rates, Maritime carriers.

#### PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Therefore, pursuant to 5 U.S.C. 533 and sections 18(b), 22, and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 941(a)), 46 CFR Part 536 is amended by adding a new § 536.12 reading as follows:

##### § 536.12 Tariffs publishing per-container and/or per-trailer rates.

(a) *Definitions.* The following definitions shall apply for purposes of this section:

(1) *Container.* A van, flatrack, open top trailer, or other similar trailer body on or into which cargo is loaded and transported without chassis aboard ocean vessels.

(2) *Mixed Shipment.* A shipment consisting of more than one commodity; articles described under more than one class or commodity rate item in a tariff.

(3) *Per-Container Rate.* Rates and/or charges on shipments transported in

containers or trailers and rated on the basis of the category of the container or trailer.

(4) *Trailer.* A van, flatrack, open top trailer, or other similar trailer body on or into which cargo is loaded and transported complete with chassis aboard ocean vessels.

(b) *Tariff filing requirements.* (1) Tariffs which publish rates and/or charges on shipments transported in containers or trailers and rated on the basis of the container or trailer shall state a rate for each category of carrier designated container or trailer to which such rate applies, e.g., 20-foot dry van container, 40-foot refrigerated trailer, 40-foot hi-cube van container, 40-foot dry van container 9'6" high, 20-foot dry van container 9 feet high, etc. Per-container/trailer rates shall only apply to cargo received from one shipper at one origin location, consigned to one consignee, carried on one voyage, on one bill of lading for delivery to one destination location.

(2) Tariffs which publish rates for mixed shipments shall contain a governing rule or provide reference to a separate publication which shall clearly define the application of such rates. The tariff shall also provide that whenever there is a mixing of cargoes in a container/trailer for which there is no specific rate item permitting and indicating a rate for that mixture, the weight or measurement rate for each commodity shall apply.

(3) A mixed shipment rate item shall list therein all articles or merchandise which may be shipped under the item. Any restrictions on the application of the rate item shall be explained. Each commodity contained in mixed shipment rate item shall be listed in the tariff's commodity index or cross-referenced in the body of the tariff. A mixed shipment rate item shall specify any conditions which apply, e.g.:

(i) Type of service offered, whether CY/CY or CY/CFS, etc.;

(ii) Limitation in the number of commodities allowed or required per bill of lading and the percentage of the total shipment that one commodity may not exceed;

Approved by the Office of Management under OMB control number 3072-0036.

By the Commission.  
Francis C. Hurney,  
Secretary.

[FR Doc. 82-15948 Filed 6-11-82; 8:45 am]

BILLING CODE 6730-01-M



# Proposed Rules

Federal Register

Vol. 47, No. 114

Monday, June 14, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### Office of Conservation and Renewable Energy

#### 10 CFR Part 485

#### Price Support Loans for Municipal Waste Energy Projects

**AGENCY:** Office of Conservation and Renewable Energy, DOE.

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** The Department of Energy today gives notice of the withdrawal of its October 29, 1980 Notice of Proposed Rulemaking (45 FR 71746) "Price Support Loans for Municipal Waste Energy Projects". This notice of proposed rulemaking set forth the terms under which DOE would provide price support loans to assist municipal waste-to-energy projects. The proposed price support loan rule is being withdrawn because the focus of the municipal waste program has shifted from commercialization to long range research and development.

**DATE:** This withdrawal is effective July 14, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Donald K. Walter, Office of Conservation and Renewable Energy, Department of Energy, Room 5G086, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, 202/252-1697.

Neal J. Strauss, Office of General Counsel, Department of Energy, Room 6B144, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, 202/252-9513.

**SUPPLEMENTARY INFORMATION:** Section 234 of the Energy Security Act (the Act) (Pub. L. 96-294) 42 U.S.C. 8834, authorizes the Secretary of Energy (Secretary) to provide price support loans to selected municipalities to assist in establishment of commercial municipal waste-to-energy facilities. On October 29, 1980, the Department of Energy (DOE) published a Notice of

Proposed Rulemaking and invited public comment on proposed procedures for issuing and administering price support loans (45 FR 71746).

After President Reagan took office on January 20, 1981, policies were put in place to stimulate commercial activity in the energy marketplace. Through decontrol of domestic crude oil prices, the President provided the incentive of more realistic energy prices. Then, Congress passed the Economic Recovery Tax Act (Pub. L. 97-34) which provided substantial tax advantages for which municipal waste-to-energy projects are eligible.

While these incentives to commercialization were being put in place, Congress took action to reduce the available budget. On June 5, 1981, the Supplemental Appropriations and Rescission Act 1981 (Pub. L. 97-12) was enacted. This law rescinded the appropriations previously made available which might have provided funds for price support loans. Subsequently, Congress passed the Interior and Related Agencies Appropriations Act, 1982 (Pub. L. 97-100) which did not provide new money for assisting commercial projects directly. The conference report on the act indicated that, in the future, the municipal waste-to-energy program should focus on such research and development projects as were appropriate for Federal support. Accordingly, given the shift in the focus of the Municipal Waste Program away from direct financial incentives, there is no longer any need for final price support loan rules.

#### List of Subjects in 10 CFR Part 485

Energy and materials recovery, Financial assistance—energy, Municipal waste, Energy conservation, Waste treatment and disposal, Loan Programs—energy.

In consideration of the foregoing, the October 29, 1980, Notice of Proposed Rulemaking, under Section 234 of the Act is hereby withdrawn.

Issued in Washington, D.C. June 4, 1982.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 82-15844 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M

## FARM CREDIT ADMINISTRATION

### 12 CFR Part 614

#### Loan Policies and Operations Provisions

**AGENCY:** Farm Credit Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Farm Credit Administration is proposing to specify which Farm Credit System bank is responsible for approving a loan by a System association to a director or an employee. The purpose of this amendment is to clarify the existing regulation.

**DATE:** Written comments must be received on or before August 14, 1982.

**ADDRESSES:** Comments or suggestions should be submitted in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for inspection by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

**FOR FURTHER INFORMATION CONTACT:** Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578, (202-755-2181).

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 12 CFR Part 614

Agriculture, Banks, Banking, Credit, Rural areas.

#### PART 614—LOAN POLICIES AND OPERATIONS

As stated in the preamble, it is proposed that Part 614 of Chapter VI, Title 12 of the Code of Federal Regulations be amended by revising § 614.4470 to read as follows:

##### § 614.4470 Loans subject to bank approval.

(a) The following loans (unless such loans are of a type prohibited under § 612.2150) shall be subject to prior approval of the bank supervising the association in which the loan application originates:

(1) Loans to a director of the association.

(2) Loans to a director of an association which is under joint



management when the application originates in one of the associations.

(3) Loans to an employee of the association.

(4) Loans to an employee of an association which is under joint management when the application originates in one of the associations.

(5) Loans to bank employees when the application originates in one of the associations supervised by the employing bank.

(b) Loans to any borrower shall be subject to the prior approval of the bank supervising the association in which the loan application originates whenever a director or an employee of the association or an employee of the bank supervising the association:

(1) Will receive proceeds of the loan in excess of the amount prescribed by the supervising bank board and approved by the Farm Credit Administration, or

(2) Has a significant personal or beneficial interest in the loan, the proceeds, or the security, or controls (as defined in § 612.2130(e)) the borrower, or

(3) Is an endorser, guarantor, or comaker with respect to the loan in excess of an amount prescribed by the supervising bank board and approved by the Farm Credit Administration.

(c) Any loan which will result in any one borrower being obligated (as defined in § 614.4360(b)) in excess of an amount established by the supervising bank under its policies for delegation of authority to associations shall be subject to prior approval of the supervising bank.

(Sec. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

C. T. Frederickson,  
Acting Governor.

[FR Doc. 82-16024 Filed 6-11-82; 8:45 am]

BILLING CODE 6705-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 82-ANM-5]

#### Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 1200' transition areas at Bozeman and Butte, Montana to allow arriving aircraft at Butte, executing the ILS Rwy 15 approach with a Whitehall (HIA)

transition, to utilize the minimum transition altitude of 11,000' in controlled airspace. In addition, expanding controlled airspace around airports and associated navigaids will allow users on direct route navigation to use uninterrupted descents, reducing flying time, in addition to streamlining air traffic control (ATC) service.

DATE: Comments must be received on or before July 19, 1982.

ADDRESSES: Send comments on the proposal to: Chief, Airspace & Procedures Branch, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168

#### FOR FURTHER INFORMATION CONTACT:

William H. Dickson, Airspace & Procedures Specialist, ANM-531, Airspace & Procedures Branch, Air Traffic Division, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 433-1640.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Chief, Airspace & Procedures Branch, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. All communications received on or before July 19, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available, before and after the closing dates for comments, in the official docket for examination by interested persons.

##### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Federal Aviation Administration, Chief, Airspace & Procedures Branch, ANM-530, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, or by calling (206) 433-1640. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

## The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 1200' transition areas located at Bozeman and Butte, Montana. This proposal is necessary to provide additional controlled airspace for aircraft operating to and from the Butte and Bozeman, Montana airports.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, the FAA proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

##### Section 71.181 Bozeman, Montana

Section 71.181 is amended as follows:

Remove lines 4, 5, 6 and 7 in their entirety.

##### Section 71.181 Butte, Montana

Section 71.181 is amended as follows:

Remove all words following " \* \* \* 11 miles northwest of the VORTAC", and insert

\* \* \* and that airspace extending upward from 1200' above the surface beginning at latitude 46°33'00"N, longitude 113°05'00"W, direct to latitude 46°33'00"N, longitude 112°54'00"W; then bounded on the north by the Helena, Montana 1200' transition area and the south edge of V2N on the east along longitude 110°42'00"W, on the south along latitude 45°35'00"N; on the west along longitude 113°05'00"W to point of beginning, excluding that airspace within the Dillon and Livingston, Montana 1200' transition areas.

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, June 3, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-15939 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M



**14 CFR Part 71****[Airspace Docket No. 82-ASW-32]****Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area: Cleveland, OK****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Aviation Administration proposes designation of a transition area at Cleveland, OK. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Cleveland Municipal Airport. This action is necessary to provide protection for aircraft executing a new instrument approach procedure based on the Cleveland Nondirectional Beacon (NDB). Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

**DATE:** Comments must be received on or before July 14, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:****History**

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Cleveland, OK, will necessitate an amendment to this subpart. This amendment will be required at Cleveland, OK, since there is a proposed

new IFR procedure to the Cleveland Municipal Airport.

**Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-32." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

**List of Subjects in 14 CFR Part 71**

Control zones and/or transition areas.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71, as follows:

**Cleveland, OK—New**

That airspace extending upward from 700 feet above the surface within a 6.5-mile

radius of the Cleveland Municipal Airport, OK, (latitude 36°17'00"N., longitude 96°27'50"W.) and within 3.5 miles each side of the 212° magnetic bearing from the Cleveland NDB (latitude 36°16'17"N., longitude 96°27'43"W.) extending from the 6.5-mile radius area to 8 miles southwest of the NDB. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on June 3, 1982.

**F. E. Whitfield,**

*Acting Director, Southwest Region.*

[FR Doc. 82-15935 Filed 6-11-82; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 71****[Airspace Docket No. 82-ASW-31]****Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area: Bonham, TX****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Aviation Administration proposes designation of a transition area at Bonham, TX. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Jones Field Municipal Airport. This action is necessary to provide protection for aircraft executing an instrument approach procedure using the Blue Ridge VORTAC. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

**DATE:** Comments must be received on or before July 14, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic



Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mount Road, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:**

**History**

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Bonham, TX, will necessitate an amendment to this subpart. This amendment will be required at Bonham, TX, since there is a proposed new IFR procedure to the Jones Field Municipal Airport.

**Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All

comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

**List of Subjects in 14 CFR Part 71**

Control zones and/or transition areas.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

**Bonham, TX New**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jones Field Municipal Airport, Bonham, TX, (latitude 33°36'41"N., longitude 96°10'45"W.) and within 4.5 miles each side of the 025° radial from the Blue Ridge VORTAC extending from the 6.5-mile radius area to 42.5 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on June 3, 1982.

**F. E. Whitfield,**

*Acting Director, Southwest Region.*

[FR Doc. 82-15933 Filed 6-11-82; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 71**

[Airspace Docket No. 82-ASW-34]

**Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area: Wichita Falls, TX**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Aviation Administration proposes alteration of a transition area at Wichita Falls, TX. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Tom Danaher's Lake Wichita Airport, Wichita Falls, TX. This action is necessary to provide protection for aircraft executing a new VOR/DME approach to Runway 35 at the Tom Danaher's Airport.

**DATE:** Comments must be received on or before July 14, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mount Road, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:**

James L. Owens, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:**

**History**

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Wichita Falls, TX, will necessitate an amendment to this subpart. This amendment will be required at Wichita Falls, TX, since there is a proposed new IFR procedure to the Tom Danaher's Lake Wichita Airport.



**Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-34." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

**List of Subjects in 14 CFR 71**

Control zones and/or transition areas.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

**Wichita Falls, TX Amended**

\* \* \* and within 4.5 miles each side of the Wichita Falls VORTAC 174° radial extending from the 20-mile radius area to 29 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on June 3, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-15934 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 82-ASO-26]

**Proposed Alteration of Transition Area, Alma, Ga.**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to increase the size of the Alma, Georgia, transition area by adding an arrival extension southeast of the airport. In addition, the provision in the description which specifies effective hours of the transition area will be revoked. Since the Bacon County Airport, and its associated instrument approach procedure is available for use 24 hours per day, a full-time transition area and arrival extension are required for protection of aircraft during those periods when the control zone is not effective. This proposed alteration will provide the necessary controlled airspace and designate the transition area as full-time rather than part-time.

**DATE:** Comments must be received on or before: July 30, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive,

East Point, Georgia 30344, telephone: (404) 763-7646.

**FOR FURTHER INFORMATION CONTACT:** Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASO-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to § 71.181 of Part 71 of the



Federal Aviation Regulations (14 CFR Part 71) which will designate a transition area arrival extension southeast of Bacon County Airport, Alma, Georgia, and delete the listing of specific hours during which the transition area is effective. At the present time, the effective hours of the transition area coincide with those of the Alma Control Zone. As there is an existing control zone arrival extension, there is no requirement for a transition area arrival extension when the control zone is effective. Since the Bacon County Airport, and its associated instrument approach procedure is available for use 24 hours per day, a full-time transition area and arrival extension are required for protection of aircraft during those periods when the control zone is not effective. This proposed alteration will provide the necessary controlled airspace and designate the transition area as full-time rather than part-time. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

#### Alma, Georgia Revised

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bacon County Airport (Lat. 31°32'17"N., Long. 82°30'33"W.); within 3 miles each side of Alma VORTAC 146° radial, extending from the 6.5-mile radius area to 8.5-miles southeast of the VORTAC. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is

certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on June 1, 1982.

J. Stiglin,

Acting Director, Southern Region.

[FR Doc. 82-15960 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM79-76-119 (New Mexico—2 Addition)]

#### High-Cost Gas Produced From Tight Formations, New Mexico; Notice of Proposed Rulemaking

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that an additional area of the Atoka Formation be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on July 8, 1982.

**PUBLIC HEARING:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 23, 1982.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

## SUPPLEMENTARY INFORMATION:

Issued June 8, 1982.

### I. Background

On May 21, 1982, the State of New Mexico, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Atoka Formation located in Lea County, New Mexico, be designated as a tight formation. The Commission previously adopted a recommendation that portions of the Atoka Formation in Lea County, New Mexico, be designated as a tight formation (Order No. 138, issued March 30, 1981, in Docket No. RM79-76 (New Mexico-2)). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that additional portions of the Atoka Formation in Lea County, New Mexico, be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service (formerly the U.S. Geological Survey) concurs with New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

### II. Description of Recommendation

New Mexico recommends that two new portions of the Atoka Formation on either side of that acreage granted tight sand designation in Order No. 138 be designated as a tight formation. These areas are contiguous to the original acreage. New Mexico wishes to add portions of Townships 12 through 14 South, Range 36 East to the east of the existing designated area and portions of Townships 12 through 14 South, Range 35 East to the west of the existing designated area of the Atoka Formation. The top of the recommended formation appears at an average depth of 12,200 feet in the area outlined above, and the thickness of the formation varies from 375 to 750 feet.

### III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7491 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;



(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Atoka Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

#### IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 8, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-119 (New Mexico-2 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 23, 1982.

#### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

#### PART 271—CEILING PRICES

Section 271.703 is amended by revising paragraph (d)(19) to read as follows:

##### § 271.703 Tight formations.

(d) Designated tight formations. \* \* \*  
(19) Atoka Formation in New Mexico. RM79-76-119 (New Mexico-2).

(i) Delineation of formation. The Atoka Formation is found in Lea County, New Mexico, and underlies an area approximately 9 miles north of Lovington, New Mexico, 3 miles southwest of Tatum, New Mexico, and 15 miles west of the Texas border. The formation underlies Township 12 South, Range 35 East, Sections 31 through 36; Township 12 South, Range 36 East, Sections 31 through 36; Township 13 South, Ranges 35 and 36, All; Township 14 South, Range 35 East, Sections 1 through 24; and Township 14 South, Range 36 East, Sections 1 through 24, NMPM.

(ii) Depth. The Atoka Formation is defined as that formation the depth to the top of which ranges from 11,500 to 12,450 feet, and averages 12,200 feet, and the base of which is defined by the top of the Morrow Formation. The thickness varies from 375 to 750 feet.

[FR Doc. 82-16023 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Highway Administration

##### 23 CFR Part 655

[FHWA Docket No. 82-9]

##### Traffic Operations; Traffic Surveillance and Control

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA requests comments on proposed revisions to its

regulation on traffic surveillance and control. Traffic surveillance and control projects include traffic signals, freeway surveillance and control, highway advisory radio and special purpose systems. The regulation contains provisions which prescribe procedures and requirements for the expenditure of Federal-aid highway funds for traffic surveillance and control measures. The proposed revisions would significantly reduce the existing regulation in length and detail with certain unnecessary requirements deleted.

In order to encourage the maximum utilization of traffic surveillance and control systems, the proposed revisions would require the development of an operations plan as part of the traffic engineering analysis which provides the basis for the installation of a traffic surveillance and control system. Also, since system start-up activities are critical to the achievement of optimal performance of a system, the revision specifically provides for their eligibility for Federal-aid funding.

DATE: Comments must be received on or before July 14, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 82-9, Federal Highway Administration, Room 4205, HCC-10, 400 7th Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

##### FOR FURTHER INFORMATION CONTACT:

Mr. Robert C. Harp, Traffic Control Systems Division, Office of Traffic Operations, (202) 426-0411, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0800, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The policies, procedures, and requirements relating to Federal-aid highway funding for traffic surveillance and control systems are set forth in 23 CFR Part 655, Subpart D. A traffic surveillance and control system is an array of human, institutional, hardware and software components designed to monitor and control traffic and to manage transportation on streets and highways. Traffic surveillance and control systems, when implemented and utilized efficiently, are essential in urban areas to provide a full measure of transportation system efficiency, fuel



conservation, safety, and environmental quality. With the benefit of numerous evaluations of existing systems, the FHWA has reviewed the present regulation with the purpose of reducing redtape and eliminating unnecessary requirements, while at the same time insuring the achievement of optimal performance. The proposed revisions reflect the results of that review.

#### Summary of Revisions

As part of the continuing effort to reduce regulatory burdens on the States, the proposed revisions would substantially reduce in length and detail the sections in the regulation which relate to purpose, objectives, definitions, and system characteristics. The revisions would delete and simplify introductory and background language so as to permit an easier understanding of compliance requirements.

The proposed revisions would also delete certain requirements that are considered unnecessary. The requirement that FHWA-developed software be given priority consideration for inclusion as an element of a traffic surveillance and control system is deleted in its entirety. Although the FHWA believes that the utilization of FHWA-developed software can have considerable utility in the development, construction, and operation of a system, this consideration would be left entirely to the judgment of the individual States.

Another deletion relates to the evaluation reporting requirements under the existing regulation. A number of evaluations have been completed and provided to the FHWA. Thus far these evaluations have provided sufficient data to prescribe and monitor system performance. Highway users are also providing system evaluation to the Institute of Transportation Engineers for publication in the Computer Control Systems Applications Group (CCSAC) Newsletter.

As has been mentioned, the FHWA believes that certain traffic surveillance and control systems are being underutilized and are not operating at an optimal level. A policy statement would be added to underscore the significance of traffic control measures and to emphasize the importance of efficient system performance. The traffic engineering analysis, on which a traffic surveillance and control system is based, would be revised to reflect the FHWA policy.

The proposed revisions would clearly define the aspects of a traffic engineering analysis that should be analyzed relative to system utilization. A specific provision for the development of an operation plan would include

elements of system design, procurement methods, construction management, acceptance testing, system start-up, operation and maintenance. The plan would also include necessary institutional arrangements and the dedication of needed personnel and budget resources required for system utilization.

Another proposed revision which would reflect the FHWA's commitment to the achievement of optimal system performance is the specific listing of start-up activities as an eligible item for Federal-aid funding. System start-up activities include: completion and installation of a data base; familiarization; evaluation of hardware, software, and transportation performance; and accomplishment of those modifications and corrective actions necessary to achieve optimal performance of the system. By describing in detail the parameters of funding eligibility, the proposed revision would give evidence that start-up activities are a critical phase in the development of a traffic surveillance and control system.

#### Regulatory Impact

The proposed revisions would reduce the regulatory burdens placed on States and local agencies in undertaking the installation of a traffic surveillance and control system. The revised regulation would delete certain requirements as well as simplify compliance requirements. Eligibility requirements would not be changed. For these reasons, it is anticipated that this proposal will not have a significant economic impact. Accordingly, a full regulatory evaluation is not required at this time. Under the criteria of the Regulatory Flexibility Act, it is certified that this proposal will not have a significant economic impact on a substantial number of small entities.

Comments are requested on the proposed revision from all interested parties. The comments should specifically address the effects of the proposed revisions on the highway and construction industry and any effects on the Federal-aid program in the States. The FHWA is also interested in any economic effects of the proposed revisions and any effects on small contractors.

The FHWA has determined that this document contains neither a major proposal under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. A 30 day comment period is considered sufficient because of the interest in

eliminating unnecessary burdens and in providing increased funding eligibility.

In consideration of the foregoing and under the authority of 23 U.S.C. 101(a), 135(b) and 315; 49 CFR 1.48(b); the FHWA proposes to revise Part 655, Subpart D of title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

#### List of Subjects in 23 CFR Part 655

Grant programs—transportation, Highways and roads, traffic regulations.

Issued on: June 4, 1982.

R. A. Barnhart,

Federal Highway Administrator.

### PART 655—TRAFFIC OPERATIONS

#### Subpart D—Traffic Surveillance and Control

Sec.

655.401 Purpose.

655.403 Traffic surveillance and control systems.

655.405 Policy.

655.407 Eligibility.

655.409 Traffic engineering analysis.

655.411 Project administration.

Authority: 23 U.S.C. 101(a), 135(b) and 315; 49 CFR 1.48(b).

#### Subpart D—Traffic Surveillance and Control

##### § 655.401 Purpose.

The purpose of this regulation is to provide policies and procedures relating to Federal-aid requirements of traffic surveillance and control system projects.

##### § 655.403 Traffic surveillance and control systems.

(a) A traffic surveillance and control system is an array of human, institutional, hardware and software components designed to monitor and control traffic, and to manage transportation on streets and highways and thereby improve transportation performance, safety, and fuel efficiency.

(b) Systems may be of various degrees of sophistication. Examples include, but are not limited to, the following systems: traffic signal control, freeway surveillance and control highway advisory radio and special purpose.

(c) Examples of special purpose systems include reversible lane control, tunnel and bridge control, adverse weather advisory, remote control of movable bridges, and priority lane control.



(d) System start-up is the process that includes: completion and installation of data base; familiarization; evaluation of hardware, software, and transportation performance; and accomplishment of those modifications and corrective actions necessary to achieve optimal performance of the system. The process is accomplished in a limited period of time after a system is turned on.

#### § 655.405 Policy.

Implementation and efficient utilization of traffic surveillance and control systems are essential in urban areas to provide a full measure of transportation systems efficiency, fuel conservation, safety, and environmental quality.

#### § 655.407 Eligibility.

Traffic surveillance and control system projects are an integral part of Federal-aid highway construction and all phases of these projects are eligible for funding with appropriate Federal-aid highway funds. The degree of sophistication of any system must be in scale with needs and with the availability of personnel and budget resources to operate and maintain the system.

#### § 655.409 Traffic engineering analysis.

Traffic surveillance and control system projects shall be based on a traffic engineering analysis. The analysis should be on a scale commensurate with the project scope. The analysis may be done in stages.

(a) *Elements.* The Traffic Engineering Analysis should define or determine: The area to be controlled; transportation characteristics; objectives of the system; existing systems resources (including communications); existing personnel and budget resources for the maintenance and operation of the system.

(b) *Alternative systems.* Alternative systems (systems as defined in § 655.403(a)) should be analyzed as applicable. For the alternatives considered, the analysis should encompass incremental initial costs; required maintenance and operating budget and personnel resources; and benefits or utility. Utilization of existing resources, as applicable, should be considered.

(c) *Procurement and system start-up methods.* Procurement and system start-up methods should be considered in the analysis. Federal-aid laws, regulations, policies, and procedures provide considerable flexibility to accommodate the special needs of systems procurement.

(d) *Special features.* The utility of unique or special features including special components and functions (such as emergency vehicle priority control, redundant hardware, closed circuit television, etc.) should be specifically defined in relation to the objectives of the system and incremental initial costs, operating costs, and resource requirements.

(e) *Laws and ordinances.* Existing traffic laws, ordinances, and regulations relevant to the effective utilization of the proposed system shall be reviewed to insure compatibility with proposed systems.

(f) *Development of operations plan.* An operations plan shall be developed. It shall include needed legislation, systems design, procurement methods, construction management including acceptance testing, system start-up, operation and maintenance. It shall include necessary institutional arrangements and the dedication of needed personnel and budget resources required for the utilization of the system.

#### § 655.411 Project administration.

(a) Prior to authorization of Federal-aid highway funds for construction, there should be a level of commitment to the operations plan (see § 655.409(f)).

(b) The plans, specifications, and estimates submittal shall include a total system acceptance plan.

(c) Project approval actions are delegated to the Division Administrator. Approval actions for traffic surveillance and control system projects costing over \$1,000,000 are subject to review by the Regional Administrator prior to approval of plans, specifications, and estimates.

(d) System start-up is an integral part of a surveillance and control project. (1) Costs for system start-up, over and above those attributable to routine maintenance and operation, are eligible for Federal-aid funding. (2) The project should not be accepted until completion of the start-up phase.

[FR Doc. 82-15985 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

31 CFR Parts 53, 55, 81, 90, 92, 93, 120, 121, 122, and 127

### Amendment or Removal of Obsolete Regulations

**AGENCY:** Office of the Secretary, Treasury.

**ACTION:** Proposed amendment or removal of regulations.

**SUMMARY:** The Department of the Treasury proposes the removal or the amendment of certain regulations which are now obsolete because of changed statutory requirements or because of changed conditions. The regulations proposed to be removed pertain to gold and silver and emergency banking regulations. These regulations are out of date and their revocation will reflect current practice.

**DATE:** Interested members of the public are invited to furnish written comments on the proposed revisions. Comments must be received on or before August 13, 1982.

**ADDRESS:** Send comments to: Jordan A. Luke, Assistant General Counsel (Enforcement and Operations), Department of the Treasury, Room 2310, 1500 Pennsylvania Ave., NW., Washington, D.C. 20220.

**FOR FURTHER INFORMATION CONTACT:** Jordan A. Luke (address above) (202) 566-5404.

**SUPPLEMENTARY INFORMATION:** The proposed amendments to Title 31 of the CFR are intended to eliminate regulations which have become obsolete because of changes in the underlying statutory authority. The reasons for the proposed changes are explained in greater detail as follows:

#### Part 53

Part 53 implements the order of the Secretary of the Treasury dated January 15, 1934, as amended, concerning the delivery of wrongfully withheld gold coins and bullion. The January 15, 1934 order required the delivery of gold coin and gold bullion to the Treasurer of the United States by January 17, 1934.

Part 53.1 provides that with respect to gold delivered after the January 17, 1934 deadline, the Treasury shall pay for gold coins at their face amount and for gold bullion at the price of \$20.67 an ounce.

Pub. L. 93-110, as amended by Pub. L. 93-373, removed all restrictions on U.S. citizens purchasing, holding, selling or otherwise dealing in gold, thereby superceding the January 15, 1934 order requiring delivery of privately held gold to the Treasury and rendering obsolete Part 53, which implemented the order.

#### Part 55

Part 55 contains President Roosevelt's Proclamation 2072, January 31, 1934, 48 Stat. 1730, which fixed the weight of the gold dollar at 15 5/21 grains nine-tenths fine, corresponding to a price of \$35 per ounce. The proclamation was issued



pursuant to authority granted the President by section 43(b)(2) of the Act of May 12, 1933 (48 Stat. 52). The President's authority to change the gold content of the dollar expired on June 30, 1943 (55 Stat. 396), after which time only Congress, by statute, could establish the value of the dollar in terms of gold.

On March 31, 1972, Pub. L. 92-268 (86 Stat. 116), the Par Value Modification Act, established a new par value for the dollar equal to one thirty-eighth of a fine troy ounce of gold, thereby superceding Proc. 2072. On September 21, 1973, Pub. L. 93-110 (87 Stat. 352), amending the Par Value Modification Act, changed the par value of the dollar to equal "0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollar per fine troy ounce of gold."

The par value of the dollar, established by section 2 of the Par Value Modification Act, was repealed by section 6 of Pub. L. 94-564 (90 Stat. 2660). Under section 9 of that Act, the repeal became effective "upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in resolution numbered 31-4 of the Board of Governors of the Fund" *i.e.*, adoption by the IMF of the proposed Second Amendment to the Articles of Agreement of the IMF. Under the amended IMF Articles of Agreement, which became effective April 1, 1978, the United States has no legal obligation to establish and maintain a par value for the dollar.

#### Part 81

Part 81 establishes procedures for the receipt of newly-mined silver by the Treasury Department and related recordkeeping requirements, pursuant to sections 104 and 107 of the Act of July 23, 1965. That Act requires the Secretary to purchase at a price of \$1.25 an ounce any silver mined after July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof. Inasmuch as the current market price of silver is considerably in excess of \$1.25 an ounce, there presently does not exist sufficient interest on the part of potential sellers of silver to warrant the continued maintenance of formal procedures to effect purchases of newly-mined silver at the statutory price. In light of the above, Part 81 should be repealed.

#### Part 90

Part 90 prescribes policies, regulations and charges of the Mints and assay offices, for the acceptance and treatment of silver deposited for purchase under the provisions of the

Newly-Mined Domestic Silver Regulations of 1965, the regulations of the (defunct) Office of Domestic Gold and Silver Operations (Parts 81 and 93 of 31 CFR) and Title 31 of the United States Code. This part also provides a table of charges for special assays of gold or silver bullion samples and assays of ores. Those sections relating to the acceptance of silver should be repealed. Section 104 of the Act of July 23, 1965, requires the Secretary to purchase at a price of \$1.25 an ounce, any silver mined after July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof. Inasmuch as the current market price of silver is considerably in excess of \$1.25 an ounce, there presently does not exist sufficient interest on the part of potential sellers of silver to warrant the continued maintenance of formal procedures to effect purchases of newly mined silver at the statutory price. In regard to the remainder of Part 90, which deals with the assaying of bullion, metals and ores, it has been determined that this function can be adequately performed by the private sector. The provision of this service is a relic of times when U.S. coinage contained precious metals and citizens were authorized to present bullion to the Mint for exchange into bars. Currently, with the administrative termination of the exchange activity in 1970 (See 35 FR 15922 (1970)), no governmental purpose is served by continuing the special assays. The private assaying function of the Mint is in competition with commercial firms offering the same service and diverts Mint employees and facilities from the Mint's primary missions. Accordingly, all of Part 90 should be repealed.

#### Part 92

Part 92 prescribes procedures for the receipt of "newly mined domestic silver" as provided by Parts 81 and 93 and for the redemption of U.S. coin. Part 92 also enumerates Mint practices in regard to the manufacture and sale of medals, and proof and uncirculated coins. Finally, this part details the practice governing disclosure of Mint records, pursuant to 5 U.S.C. 301 and 552.

Sections 92.1 and 92.2 should be repealed, inasmuch as there does not presently exist sufficient interest on the part of potential silver sellers to warrant continuation of the procedures detailed therein. (For detailed explanation, see discussion on Part 81). Section 92.3(a) should be repealed as there is little interest in the present or expected market, for redeeming gold coin at face value, or if the gold coin is worn or

mutilated, at \$20.67 + per ounce of fine gold. Section 92.3(b) can also be repealed as it merely refers to Part 100 for rules governing redemption of silver and minor coins. (We note further that redemption of silver and silver coins at face value is still authorized pursuant to 31 CFR 100.3). Section 92.4, "Sale of Silver" merely cross references the reader to Part 56, and accordingly may be deleted. The last sentence of section 92.5, dealing with application to the Director of the Mint for the manufacture of national medals designated by Congress, should be deleted as it is obsolete and meaningless. Congressional approval is necessary for the minting of national medals and application to the Director of the Mint cannot replace such approval.

The sections of Part 92 are renumbered appropriately in light of these revisions.

#### Part 93

Part 93 establishes procedures for the purchase of newlymined silver by the Treasury Department, pursuant to section 104 of the Act of July 23, 1965. That Act requires the Secretary to purchase at a price of \$1.25 an ounce any silver mined after July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof. Inasmuch as the current market price of silver is considerably in excess of \$1.25 an ounce, there does not presently exist sufficient interest on the part of potential sellers of silver to warrant the continued maintenance of formal procedures to effect purchases of newly mined silver at the statutory price.

#### Part 120

Part 120 consists of Presidential Proclamations and Executive Orders concerning the 1933 bank holiday. These enactments have been obsolete for many years, but have never been specifically repealed. Part of the authority under which they were issued was the Trading With the Enemy Act of 1917, which empowered the President to declare national emergencies in periods other than wartime. The 1977 amendments to the Trading With the Enemy Act provided that the President can declare national emergencies under the Trading With the Enemy Act only in time of war. (The International Emergency Economic Powers Act, 50 U.S.C. App. 1701-1706, provides that the President can declare national emergencies with respect to threats which have their sources in whole or substantial part outside the United States). The 1977 amendments also provided that all declared national



emergencies in effect at the time of their enactment (1977) terminated in two years, unless extended. Because these emergencies were not extended, they lapsed in 1979.

Authority to issue these enactments was also derived from the Emergency Banking Act, 12 U.S.C. 95, which remains in effect. However, the Emergency Banking Act only states what powers the President may invoke during a national emergency with respect to banks which are members of the Federal Reserve System—it does not give the President authority to declare a national emergency for purely domestic reasons.

Because the President's powers to declare national emergencies in peacetime have been restricted by the 1977 amendments to the Trading With the Enemy Act and the International Emergency Economic Powers Act, enactments promulgated under the national emergencies which have terminated pursuant to the 1977 amendments have also terminated.

#### Part 121

Part 121 contains the Emergency Banking Regulations issued under the Trading With the Enemy Act, the Emergency Banking Act and Procs. 2039 and 2049. This Part, like Part 120, became inapplicable when the 1977 amendments to the Trading With the Enemy Act were enacted and should be removed.

#### Part 122

Part 122 contains the general license to transact normal banking business for banks which are members of the Federal Reserve System. The general license was issued under Executive Order 6073, as amended. Proclamation 2725 (1947) excluded Federal Reserve member banks from the application of E.O. 6073, except with respect to gold transactions, and E.O. 11825 removed from E.O. 6073 the provisions pertaining to gold. The 1977 amendments to the Trading With the Enemy Act eliminated the statutory authority for E.O. 6073. Therefore, Part 122 should be eliminated.

#### Part 127

Part 127 consists of the text of Executive Order 6560 of 1934 § 127.0 to 127.7), regulating transactions of foreign exchange, transfers of credit and export of coin and currency, and specific prohibitions relating to countries occupied by axis forces during World War II §§ 127.9-127.17). The authority for the Executive Order is based upon the Trading With the Enemy Act, 12 U.S.C. 95a, and E.O. 6260. The 1977 amendments restricted the scope of the

President's authority to invoke the extraordinary powers contained therein, and eliminated the existing national emergencies. E.O. 6260 was revoked by E.O. 11825 (1974). Thus the statutory authority for E.O. 6560 and Part 127 no longer exists. The prohibitions contained in §§ 127.9-127.17 are no longer applicable since they refer only to the World War II era. For these reasons, Part 127 should be removed.

#### List of Subjects

##### 31 CFR Parts 53 and 55

Currency, Gold.

##### 31 CFR Part 81

Silver.

##### 31 CFR Parts 90 and 93

Gold, Silver.

##### 31 CFR Part 92

Currency, Gold, Silver.

##### 31 CFR Parts 120, 121 and 122

Banks, Banking.

##### 31 CFR Part 127

Banks, Banking, Currency.

The text of the proposed amendments is as follows:

#### **PART 53—INSTRUCTIONS OF THE SECRETARY OF THE TREASURY CONCERNING WRONGFULLY WITHHELD GOLD COIN AND GOLD BULLION DELIVERED AFTER JANUARY 17, 1934 [REMOVED]**

1. Part 53 is removed.

#### **PART 55—PROCLAMATION FIXING THE WEIGHT OF THE GOLD DOLLAR [REMOVED]**

2. Part 55 is removed.

#### **PART 81—NEWLY-MINED DOMESTIC SILVER REGULATIONS OF 1965 [REMOVED]**

3. Part 81 is removed.

#### **PART 90—TABLE OF CHARGES AND REGULATIONS OF THE MINTS AND ASSAY OFFICES OF THE UNITED STATES FOR PROCESSING SILVER AND ASSAYING BULLION, METALS, AND ORES [REMOVED]**

4. Part 90 is removed.

5. Part 92 is revised to read as follows:

#### **PART 92—BUREAU OF THE MINT OPERATIONS AND PROCEDURES**

##### Sec.

92.1 Manufacture of medals.

92.2 Sale of "list" medals.

92.3 Manufacture and sale of "proof" coins.

92.4 Uncirculated mint sets.

##### Sec.

92.5 Procedure governing availability of Bureau of the Mint records.

92.6 Appeal.

Authority: 5 U.S.C. 301.

#### **§ 92.1 Manufacture of medals.**

With the approval of the Director of the Mint, dies for medals of a national character designated by Congress may be executed at the Philadelphia Mint, and struck in such field office of the Mints and Assay Offices as the Director shall designate.

#### **§ 92.2 Sale of "list" medals.**

Medals on the regular Mint list, when available, are sold to the public at a charge sufficient to cover their cost, and to include mailing cost when mailed. Copies of the list of medals available for sale and their selling prices may be obtained from the Director of the Mint, Washington, D.C.

#### **§ 92.3 Manufacture and sale of "proof" coins.**

"Proof" coins, i.e., coins prepared from blanks specially polished and struck, are made as authorized by the Director of the Mint and are sold at a price sufficient to cover their face value plus the additional expense of their manufacture and sale. Their manufacture and issuance are contingent upon the demands of regular operations. Information concerning availability and price may be obtained from the Director of the Mint, Treasury Department, Washington, D.C. 20220.

#### **§ 92.4 Uncirculated mint sets.**

Uncirculated Mint Sets, i.e., specially packaged coin sets containing one coin of each denomination struck at the Mints at Philadelphia and Denver, and the Assay Office at San Francisco, will be made as authorized by the Director of the Mint and will be sold at a price sufficient to cover their face value plus the additional expense of their processing and sale. Their manufacture and issuance are contingent upon demands of regular operations. Information concerning availability and price may be obtained from the Director of the Mint, Treasury Department, Washington, D.C. 20220.

#### **§ 92.5 Procedure governing availability of Bureau of the Mint records.**

(a) *Regulations of the Office of the Secretary adopted.* The regulations on the Disclosure of Records of the Office of the Secretary and other bureaus and offices of the Department issued under 5 U.S.C. 301 and 552 and published as Part 1 of this title, 32 FR No. 127, July 1, 1967, except for § 1.7 of this title entitled



"Appeal," shall govern the availability of Bureau of the Mint records.

(b) *Determination of availability.* The Director of the Mint delegates authority to the following Mint officials to determine, in accordance with Part 1 of this title, which of the records or information requested is available, subject to the appeal provided in § 92.6: The Deputy Director of the Mint, Division Heads in the Office of the Director, and the Superintendent or Officer in Charge of the field office where the record is located.

(c) *Requests for identifiable records.* A written request for an identifiable record shall be addressed to the Director of the Mint, Washington, D.C. 20220. A request presented in person shall be made in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue, NW, Washington, D.C., or in such other office designated by the Director of the Mint.

#### § 92.6 Appeal.

Any person denied access to records requested under § 92.5 may file an appeal to the Director of the Mint within 30 days after notification of such denial. The appeal shall provide the name and address of the appellant, the identification of the record denied, and the date of the original request and its denial.

#### PART 93—DOMESTIC GOLD AND SILVER OPERATIONS PROCEDURES AND DESCRIPTIONS OF FORMS [REMOVED]

6. Part 93 is removed.

#### PART 120—PROCLAMATIONS AND EXECUTIVE ORDERS CONCERNING BANKING [REMOVED]

7. Part 120 is removed.

#### PART 121—MITIGATION OF FORFEITURE OF COUNTERFEIT GOLD COINS [REMOVED]

8. Part 121 is removed.

#### PART 122—GENERAL LICENSES ISSUED UNDER EXECUTIVE ORDER 6073, AS AMENDED [REMOVED]

9. Part 122 is removed.

#### PART 127—EXECUTIVE ORDER OF JANUARY 15, 1934, REGULATING TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY [REMOVED]

10. Part 127 is removed.

#### Executive Order 12291

It has been determined that this proposal does not meet the criteria for

"major rules", set forth in Executive Order 12291 (February 17, 1981) in that it will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects or competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because, if promulgated as a final rule, it will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Accordingly, the Secretary of the Treasury has certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposal, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

#### Comments

Before adopting final regulations, consideration will be given to any written comments timely submitted. Comments submitted will be available for public inspection during regular business hours at the Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220.

#### Drafting Information

The principal authors of this document were:

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8184;

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376-0564.

However, personnel from other Treasury offices participated in its development.

Peter J. Wallison,  
General Counsel.

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BILLING CODE 4810-25-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 122, 123, and 124

[FRL-2063-4]

#### Consolidated Permit Regulations; Revision in Accordance with Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

**SUMMARY:** On November 16, 1981, EPA entered into a settlement agreement with numerous industry petitioners in the consolidated permit regulations litigation (*NRDC v. EPA* and consolidated cases, No. 80-1607 (D.C. Cir., filed June 2, 1980)). This rulemaking proposes to revise certain provisions of the consolidated permit regulations in accordance with that settlement. The proposed changes are intended to minimize the regulatory burdens imposed on permittees under four permitting programs administered by EPA or approved States.

These proposed changes, and others that we expect to make, are also intended to respond to the President's Task Force on Regulatory Relief. The Task Force has asked that the Agency review the consolidated permit regulations with the objective of enhancing efficiency and eliminating unnecessary regulatory burdens.

**DATES:** EPA will accept public comments on the proposed amendments until August 13, 1982. A hearing is scheduled for August 3, 1982, at the address listed below, to consider several of the proposed regulatory amendments as they apply to State Underground Injection Control (UIC) programs under the Safe Drinking Water Act (SDWA). However, EPA intends to forego this hearing if sufficient public notice is not shown.

**ADDRESSES:** Interested persons may participate in the rulemaking by submitting written comments to Karen Wardzinski, Office of Water Enforcement and Permits, Permits Division (EN-336), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.



Hearing: 401 M Street, SW.,  
Washington, D.C. 20460, Room 3906.

**FOR FURTHER INFORMATION CONTACT:**  
Karen Wardzinski, Office of Water  
Enforcement and Permits,  
Environmental Protection Agency, 401 M  
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202-755-0750.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

On June 7, 1979, EPA published final regulations establishing program requirements and procedures for the National Pollutant Discharge Elimination System (NPDES) program under the Clean Water Act (CWA), 44 FR 32854. Shortly thereafter, on June 14, 1979, the effective date of these regulations for purposes of judicial review, a number of petitioners representing major industrial trade associations, several of their member companies, and the Natural Resources Defense Council (NRDC) filed petitions for review of the regulations. Some of these parties subsequently filed complaints in several district courts. On the same day, EPA published proposed regulations consolidating the requirements and procedures for five EPA permit programs, including the NPDES program under the CWA, the Hazardous Waste Management Program (HWMP) under the Resource Conservation and Recovery Act (RCRA), the Underground Injection Control (UIC) program under the Safe Drinking Water Act (SDWA), State "Dredge and Fill" permit programs under section 404 of the CWA, and the Prevention of Significant Deterioration (PSD) program under the Clean Air Act (CAA). These new consolidated permit regulations took the place of the final NPDES regulations at 40 CFR Parts 122-124. Final consolidated permit regulations were published on May 19, 1980, 45 FR 35290. Again, these regulations were challenged in court. Petitions for review were filed in several Courts of Appeal and subsequently consolidated in the District of Columbia Circuit (*NRDC v. EPA*, and consolidated cases (No. 80-1607).) EPA held extensive discussions on all issues raised in these petitions and subsequently signed three separate Settlement Agreements with industry litigants. The first of these addresses substantive issues affecting only the UIC program was signed on July 22, 1981. Final amendments implementing that agreement were published in the *Federal Register* on September 27, 1981 (46 FR 43156), and on February 3, 1982 (47 FR 4992). The second agreement, signed on November 16, 1981, addresses substantive issues

affecting only the RCRA program. Proposed amendments have not yet been published to implement that agreement. The third agreement, also signed on November 16, 1981, and filed with the D.C. Circuit, relates to issues raised by the parties which were common to at least two of the three programs involved in the litigation (i.e. RCRA, NPDES, and UIC) and to three issues which affect the definition of "new discharger" and its effect on mobile drilling rigs. These last issues are applicable only to the NPDES program. (The "common issues" are also reflected in the RCRA settlement agreement to the extent the amendments propose changes to RCRA provisions.) In some instances the settlement agreements resulted in different proposed changes on a particular issue for each of the three programs. This was generally due to differing legal authority or policy consideration associated with each program. Under the terms of the third agreement, commonly referred to as the "Common Issues" Settlement Agreement, EPA must propose the amendments set forth below. If EPA promulgates final rules which are substantially the same as these proposed rules, (or in the case of proposed changes to § 122.6(a) and (d) and § 122.7(c) and § 122.60(b), which are the same as the proposed rules) the parties will withdraw their challenges to these regulations. EPA will consider carefully all public comments on this proposal before promulgating final regulations.

In addition, the President's Task Force on Regulatory Relief has designated the consolidated permit regulations for review by EPA. Settlement of the litigation and implementation of the agreements represents a major portion of the Agency's response to the Task Force. The Agency also expects to propose other changes to the consolidated permit regulations, consistent with those proposed below, in the course of this review. We expect that these other changes will be proposed in the latter half of 1982.

Section 1421 of the Safe Drinking Water Act requires the Administrator to provide an opportunity for public hearing prior to the promulgation of regulations for State UIC programs. Several of the proposed regulatory amendments apply to State UIC programs, and EPA, as required by law, will provide the opportunity for public hearing to consider those amendments as they relate to the UIC program. A hearing is scheduled for July 27, 1982, at 401 M Street, SW., Washington, D.C. 20460, Room 3906. EPA anticipates,

however, that the 60-day public notice and comment period will provide ample opportunity for public input. Therefore, unless sufficient public interest is shown, by means of written notification received at least 1 week prior to the scheduled date, we intend to forego the hearing in the interest of conserving limited agency resources.

**II. Common Issues**

**A. Signatories (40 CFR 122.6)**

The first of the changes affects the signatory provisions of 40 CFR § 122.6. Section 122.6(a) has been revised with respect to the level of officer authorized to sign permit applications for corporations. The existing regulation requires permit applications submitted on behalf of a corporation to be signed by a "principal executive officer of at least the level of vice president." The current proposal would change this to allow applications to be signed by "a responsible corporate officer" as defined in proposed § 122.6(a)(1). This definition incorporates into the regulation EPA's interpretation of "executive officer of the level of vice president" adopted in a previously published policy statement (45 FR 52149, August 6, 1980). That statement clarified that an officer performing "policy-making functions" similar to those performed by a corporate vice-president could sign permit applications. In addition, the manager of one or more manufacturing, production, or operating facilities of a corporation can now qualify as a "responsible corporate officer" if the facilities employ more than 250 persons or have gross national sales or expenditures exceeding \$25 million, as long as the manager has been authorized to sign applications in accordance with proper corporate procedures. Formal assignments or delegations of authority are not necessary for corporate officers identified in § 122.6(a)(1)(i). EPA believes that the ability to delegate signatory responsibility to corporate managers of facilities which fit within the specified levels is justified for several reasons. Those corporate divisions which do fit within the definition will, in many cases, be larger than the total operations of other smaller corporations whose corporate officers must sign permit applications. In addition, larger corporations frequently must submit many more permit applications than smaller businesses. EPA believes that this proposal will reduce the burden of investigating and signing numerous permit applications for executive officers of extremely large



corporations, while continuing to maintain a high level of corporate responsibility in the permit application process.

This proposal would also revise the certification language of § 122.6(d). Under the current § 122.6(d), the signer of the form must have personally examined and be familiar with all information submitted with the application. Under the revised § 122.6(d) certification language, the person signing the form (the signer) must have some form of direction or supervision over the persons gathering the data and preparing the form (the preparers), although the signer need not personally or directly supervise these activities. The signer need not be in the same corporate line of authority as the preparers, nor do the persons gathering the data and preparing the form need to be company employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate application form. For example, the signature of an "environmental" vice president is acceptable if the signer has the requisite authority. Such authority should include the power to direct that revisions be made to the application form if necessary. The signer does have a duty of inquiry of the persons responsible for managing the system or gathering the information in order to satisfy himself that the information submitted is true, accurate and complete. Again, the Agency believes this change will continue to guarantee a high level of corporate involvement and responsibility in the permit application process, while eliminating the burdensome requirement of personal examination of all information submitted with the application by those individuals responsible for signing permit applications. (Additional changes to the certification provision for RCRA permit applications were agreed to in the RCRA Settlement Agreement. These will be addressed in a separate rulemaking proposal.)

Pursuant to 42 U.S.C. 6974 and 40 CFR 260.20, the Departments of the Interior and Agriculture petitioned the Administrator of the EPA for modification of § 122.6(a)(3) to allow authorized representatives of a principal executive officer or ranking elected official to sign permit applications submitted on behalf of municipalities, State, Federal or other public agencies. These Departments argued that the required level of signatory was administratively cumbersome in light of the level of review and certification

required by § 122.6(d). EPA believes that the proposed revision of the certification provision discussed above, which eliminates the requirement of personal examination of all information submitted with the application, adequately addresses the concerns raised by the Departments of the Interior and Agriculture. Therefore, no change to the signatory requirement of § 122.6(a)(3) for public agencies is proposed. EPA solicits comments on this position.

#### *B. Duty to Mitigate (40 CFR 122.7(d))*

Section 122.7(d) requires permittees to "take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with RCRA, UIC, NPDES or State section 404 "dredge and fill" permits. Industry petitioners feared that misinterpretation of this provision might imply an obligation to assume liability for medical costs for persons harmed by the results of any noncompliance. The Settlement Agreements require EPA to propose revisions to clarify the intent of the provision. In the case of NPDES and State "dredge and fill" permits, the revised language focuses on the permittee's obligations to "minimize or prevent" non-complying discharges. These permittees are required to take steps to minimize or prevent those non-complying discharges which have "a reasonable likelihood of adversely affecting human health or the environment." RCRA permittees would be required to "take all reasonable steps to minimize releases to the environment," and to "carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment."

The proposed language changes are not intended to suggest that a permittee need not comply with all conditions of its permit. All conditions of a permit must be met, whether or not they would be likely to lead to adverse effects. These conditions impose an *additional* requirement of mitigation measures when non-compliance with the permit presents a risk of environmental harm.

Industry UIC petitioners withdrew their challenge to § 122.7(d) as part of the UIC settlement agreement. Accordingly, if EPA adopts these proposed amendments in final form, the existing text of that Section will be redesignated as § 122.41(f), applicable to UIC only.

#### *C. Other Federal Statutes (40 CFR 122.12)*

Section 122.12 lists a number of Federal statutes which may be applicable to the issuance of RCRA,

UIC, or NPDES permits. Industry petitioners feared that misinterpretation of the provision might result in the imposition of substantive permit requirements which were not required by the listed statutes. EPA is proposing to rewrite the introductory paragraph to the section to make it clear that the Agency does not intend by these regulations to condition or deny permits based on those statutes when these actions are not required by the statutes themselves. The principal purposes of the section is not to impose requirements, but to notify permit issuers of requirements that already exist, and which may be applicable to particular permits.

#### *D. Continuation of Expired Federal Permits in Approved States (40 CFR 122.5(d))*

Permits often expire after the submission of a timely and complete renewal application, but before the issuing agency has been able to act on the renewal application. In such cases, if EPA is the permit issuing agency, the Administrative Procedure Act (5 U.S.C. 558(c)) automatically extends the expiring permit until EPA acts on the renewal application. Section 122.5(d) allows approved State permit-issuing agencies to continue State or federally issued permits if their State has an administrative procedure law similar in operation to the Federal Administrative Procedure Act (APA). However, Federal law does not automatically continue these permits.

Industry petitioners requested that EPA amend its regulations to provide that if an EPA-issued permit expires in a State which has been authorized to administer the NPDES or RCRA program, and the applicant has properly re-applied for a permit, the original permit will automatically continue in force until such time as the State reissues the permit, irrespective of what the State APA provides.

In States with no State extension law, EPA has concluded that it is unable to provide for the automatic extension of NPDES permits, due to the Clean Water Act's requirement that permits be issued for "fixed terms not exceeding five years." For RCRA permits, the continuation problem should seldom arise because EPA will be proposing that federally-issued permits extend over the anticipated life of the permitted facility. (See RCRA Settlement Agreement, signed November 16, 1981, issue number nine). Nevertheless, should the problem arise, we have concluded that we have authority to provide for automatic extension of EPA-



issued RCRA permits, even after State assumption of permit-issuing authority, and have done this in proposed § 122.5(d)(2).

Although EPA is unable to provide for the automatic continuation of expired federally-issued NPDES permits in States which have been approved to run the program, the Agency believes that a permittee who has done all it can to comply with the requirements for re-issuance should not be penalized for a State's inability to act promptly. Therefore, the Agency has adopted the following policy with respect to these permits. If a State program has been approved, expired federally-issued permits do not remain in effect unless continued under State law. However, if the discharger, owner, or operator has submitted a timely and complete application for a renewal permit to the State, and the State has not acted, EPA will refrain from initiating an enforcement action based on the applicant's failure to have a permit if the applicant continues to comply with the terms of the expired permit, unless the permitted activity presents an imminent and substantial endangerment to the environment or human health.

EPA recognizes that this policy does not, nor can it, provide certain protection from citizen suits against facilities without required permits. However, in these circumstances, we would not expect a court to assess penalties if delays in permit reissuance were not due to failure of the facility owner or operator to submit required information.

This policy is not being extended to federally-issued UIC permits. Though program requirements and procedures are currently being developed to implement a federal UIC program, no federal program has yet been established and thus, no federally-issued permits exist. Once the federal program is implemented, UIC permits will generally be issued for a term of 10 years for Class I and V wells, and for a term extending over the life of the facility for Class II and III wells. Thus no need for a non-enforcement policy has been demonstrated with respect to UIC permits, and EPA sees no reason to limit its enforcement discretion where such a need does not exist. This decision in no way limits the Agency's ability to provide appropriate relief on a case-by-case basis in the future if need is shown.

In the case of section 404 "dredge and fill" permits, the Corps of Engineers issues the federal permits and thus EPA has no authority to extent this policy to permits issued under that program.

#### *E. State Adoption of EPA Civil Penalty Policy (40 CFR § 123.9)*

EPA proposes to amend § 123.9(c) to eliminate the requirement that States adopt specific methods provided for calculating civil penalties. As proposed, the section would merely require that any civil penalty agreed upon by the State Director must be "appropriate to the violation." Elimination of the remainder of the provision will afford States a greater degree of flexibility in administering their civil enforcement program. Of course, to the extent the penalties assessed by the State are in amounts substantially inadequate in comparison to amounts EPA would have required under similar facts, EPA may exercise its authority, when granted by applicable statute, to commence its own actions for penalties.

#### *F. Commencement of Operations Pending Hearing on Appeal (40 CFR §§ 124.60, 124.119)*

The Settlement Agreement requires EPA to propose several amendments to § 124.60. Section 124.60 governs the circumstances under which a new source new discharger, or recommencing discharger, whose initial permit has been challenged in a formal hearing, may begin operations pending the outcome of the hearing or an appeal of its denial. Upon the applicant's request, the current provision allows the Presiding Officer to grant an order authorizing the source to begin operations if no party opposes the order or if the applicant shows that: (1) It is likely to prevail on the merits; (2) No irreparable harm will result from its discharges in the interim; and (3) The public interest requires commencement of operations. If an "early operation order" is granted, the source must operate in compliance with all conditions of the final permit issued by the Agency.

Industry petitioners argued that in many cases the stringency of these requirements prevented the commencement of operations pending the outcome of often lengthy administrative proceedings, in some cases lasting several years. Though EPA does not agree with industry's characterization of the severity of the problem, the Agency does believe that some relief is appropriate. Today's proposal establishes a more flexible scheme for obtaining an "early operation order" which the Agency, nonetheless, believes still maintains an adequate degree of environmental protection pending "final agency action" on a permit. The specific proposed changes affect both the scope of an

"order" and the demonstration necessary to obtain one. First, orders may now authorize an NPDES source to begin "discharging" as opposed to "operations." This proposed language clarifies the Agency's original meaning of the term "operations" as it applied to NPDES permittees. In the case of RCRA permits, the order may authorize either construction (under certain limited circumstances) or operation, since RCRA permits do not authorize discharge as do NPDES permits. Second, the three-part demonstration required of the source to obtain an "early discharge order" has been changed to impose somewhat less burdensome requirements. Rather than demonstrating a likelihood of prevailing on the merits, the source need only show that it is likely to receive a permit to discharge (or operate in the case of RCRA permits.) The source must still show that no irreparable harm to the environment will result from its discharge/operations and that its discharge/operations is in the public interest. If the source makes this demonstration, or no party opposes the request, the Presiding Officer must grant the order. This is a change from the current provision under which his authority is discretionary.

Third, the Presiding Officer in a formal hearing is empowered by the rule to include "appropriate conditions" in lieu of the conditions set by the EPA. The previous rule precluded the Presiding Officer from imposing conditions other than those in the EPA permit, which may be under challenge. This new provision allows the Presiding Office to set "appropriate conditions" effective during the evidentiary hearing which are more stringent if necessary to meet the requirements of § 124.60(a)(2)(i)-(iii) or which are less stringent when those requirements would be satisfied by the less stringent conditions. The Presiding Officer may grant relief under § 124.60 even if the challenge involves the entire authorization to discharge, such as a challenge to an EIS supporting the issuance of the permit. In such cases, even though the entire permit may be under challenge, such that there are no uncontested conditions, the Presiding Officer has authority to set conditions to satisfy the requirements of § 124.60(a)(2)(i)-(iii) that must be met if the applicant is authorized to discharge during the evidentiary hearing.

Finally, the Presiding Officer can issue an order allowing a RCRA facility to begin construction only if no construction-related condition of the permit have been challenged. (In a



technical amendment published on April 8, 1982, 47 FR 15304, EPA amended § 124.60 to add the term "or facility" following each mention of the term "source" in order to clarify the application of this provision to RCRA facilities.)

In addition, a new § 124.119, applicable only to NPDES permittees, is proposed which would make the same provisions for obtaining an "early discharge order" applicable in non-adversary panel hearings. These orders can only be obtained for sources covered by an individual permit.

Under § 124.81, the Regional Administrator is required to request the Chief Administrative Law Judge to assign an Administrative Law Judge to an evidentiary hearing no later than the notice granting the hearing. Assignment of an ALJ may become particularly urgent in cases involving new sources and new dischargers which may wish to file a motion under § 124.60. Applicants who believe they will seek such a motion may, in requesting an evidentiary hearing, also request the Regional Administrator to ask for an expedited assignment of an ALJ with whom the motion may be filed. Regional Administrators should freely grant such requests.

A new § 124.60(c), applicable only to NPDES permits, is proposed which would establish a new procedure applicable to those mobile drilling rigs which are proposed to be excluded from the "new discharger" classification. Mobile rigs excluded from the new discharger classification would become "existing sources" for the purposes of the consolidated permit regulations, even if the rig has never received a finally effective permit to discharge at a given site. Under § 124.16, if a request for review of an NPDES permit for an existing source is granted, the contested permit conditions are stayed pending final agency action. In such cases a source with an existing permit must comply with the terms of its previous permit. In order to allow controls to be imposed when necessary on owners or operators of mobile drilling rigs which do not have existing permits, EPA proposes new § 124.60(c)(7). This proposal provides that if the Regional Administrator determines that compliance with certain permit conditions may be necessary to avoid irreparable environmental harm during administrative review, he may specify in the statement of basis or fact sheet for the permit those conditions which, even if contested, will remain enforceable during the administrative review. The Presiding Officer may change this

determination in connection with his authority to grant "early discharge orders" under paragraph (a)(2) of this section.

### III. NPDES Issues

The following proposed changes apply only to the NPDES program.

#### A. Need to Halt or Reduce Activity to Maintain Compliance (40 CFR 122.60(b))

The Agency is proposing to delete § 122.60(b). Section 122.60(b) requires that upon reduction, loss, or failure of the treatment facility, a permittee, in order to maintain compliance with its permit limitations, must control production, or all discharges, or both until treatment is restored. Industry petitioners in the consolidated permit regulations litigation argued that a mandatory requirement to cease or reduce production or discharges in all cases where failure of the treatment system results in noncompliance with the permit is unreasonable. In some circumstances, noncompliance may not be serious enough to justify ceasing production or discharge. The requirement to halt production was particularly troublesome to the electric utilities industry, which asserted that in some cases state law requires utilities to provide a continuous, reliable supply of electric power, and that § 122.60(b) could place utilities in the position of violating state law in order to comply with NPDES requirements, even in the event of only minor permit violations.

EPA believes that the appropriateness of controlling production or discharge may vary with the situation and thus, is more suitably dealt with as a question of defense to liability in enforcement proceedings. On April 5, 1982, 47 FR 15304 EPA revised the caption of § 122.7(c) "Duty to Halt or Reduce Activity" to "Need to Halt or Reduce Activity" to clarify the intent of that section that a permittee will not be allowed to defend its noncompliance in an enforcement action on the ground that it would have had to halt or reduce its regulated activity. The Agency believes that § 122.7(c) adequately addresses the intent of § 122.60(b). Thus, to avoid unnecessary duplication the Agency proposes to delete § 122.60(b) in its entirety.

#### B. New Discharger Issues

The second proposed change concerns the application of the "new discharger" classification to mobile oil and gas drilling rigs. The current "new discharger" definition specifically includes mobile drilling rigs. Each time a mobile drilling rig move to a new

unpermitted site it is required to apply for a new NPDES permit, subjecting it once again to the new discharger requirements. As a result of inclusion in the new discharger classification, if an evidentiary hearing is requested, either by the applicant or a third party, the mobile point source is without a permit until the conclusion of the hearing or an appeal of its denial, 40 CFR 124.60(a)(1). The Agency's original basis for including mobile drilling rigs in the "new discharger" definition was its belief that the commencement of operations at a new site constituted a new environmental insult which must be independently analyzed before imposing permit limitations and conditions. However, the Agency's experience in issuing permits to oil and gas facilities in the Gulf of Mexico has shown that this is not always true. On April 13, 1979, EPA issued three general permits for drilling operations in Outer Continental Shelf (OCS) lease sale areas in the Gulf of Mexico. These permits imposed a common set of limitations and conditions applicable to all mobile rigs operating in the designated general permit areas. The issuance of these general permits allows mobile rigs to move freely within the area of coverage defined in the general permit. Their use eliminates the time-consuming requirement, burdensome to mobile rigs, of obtaining new NPDES permits prior to each move, and in addition, significantly reduces the resources burden for the permitting authority. In today's Federal Register notice, EPA is proposing regulatory amendments which would establish a general permitting scheme for oil and gas operations within the OCS. Because it will take some time before the Agency can issue general permits for oil and gas facilities in all OCS lease sale areas, and because approved NPDES States will not be required to issue general permits, rather than individual permits, to oil and gas facilities in all OCS lease sale areas, and because approved NPDES States will not be required to issue general permits, rather than individual permits, to oil and gas facilities, the Agency believes that mobile drilling rigs should, in most cases, be excluded from coverage in the "new discharger" classification. This exclusion is subject to two limitations. First, the exclusion will cover all mobile *exploratory* drilling rigs operating in both offshore and coastal areas, and mobile *developmental* rigs operating in coastal areas. However, mobile *developmental* rigs operating in any offshore area will continue to be included in the "new discharger" category if they would



otherwise fit the definition.

Developmental rigs operating in offshore areas are treated differently for several reasons. Developmental rigs generally remain at a given site for longer periods of time than do exploratory rigs and have more advance notice before moving to new sites. Thus, the burdens of obtaining a new permit prior to moving to a new site are not as great as for exploratory rigs.

More importantly, developmental rigs pose more risk of harm to the marine environment than exploratory rigs. Ordinarily, an exploratory rig drills a limited number of wells, (e.g., one (1) to three (3) wells) to identify the nature and extent of potential oil or gas reserves. A developmental rig, on the other hand, may drill a large number of wells (e.g., anywhere from 3 to 60 wells) and generally remains at a given site for longer periods of time while developing oil or gas reserves. Thus, the volume of pollutants discharged can be far greater than in the case of exploratory rigs, and movement to a new site could indeed constitute a significant new environmental insult. In issuing NPDES permits for offshore discharges, EPA has an obligation under section 403(c) of the Clean Water Act (CWA) to determine whether or not unreasonable degradation of the marine environment will occur as a result of the discharge. In accordance with guidelines published pursuant to Section 403(c), the Agency must make this determination prior to permit issuance. No permit can be issued if unreasonable degradation will occur. If there is insufficient information to make a determination as to unreasonable degradation, no NPDES permit can be issued unless the Agency determines that such discharge will not cause irreparable harm to the marine environment. In light of the increased volume of pollutants potentially discharged from developmental operations, EPA must perform complex analyses to develop adequate permit limitations and conditions. Thus, developmental rigs discharging into offshore waters will continue to be included in the "new discharger" definition. Section 403 does not apply to discharges into coastal waters (as defined in 40 CFR 435.41(c)).

Second, all mobile oil and gas drilling rigs operating in an area of biological concern will continue to be considered "new dischargers" if they otherwise fit the definition. The Agency continues to believe that the commencement of operations in these environmentally sensitive areas should be carefully examined before imposing appropriate permit limitations. Of course, general

permits may be appropriate for these areas, eliminating the need for re-evaluation of each site.

On August 29, 1980 the United States District Court, Western District of Louisiana, entered an order in *American Petroleum Institute v. Costle* (No. 79-0858) enjoining EPA from applying the "new discharger" definition to mobile drilling rigs operating in offshore areas adjacent to the Gulf Coast, the Atlantic Coast, California, and Alaska, except in the Flower gardens and other areas determined to be environmentally sensitive by the Bureau of Land Management. In accordance with that order, EPA on October 15, 1980, suspended the application of the "new discharger" definition to offshore mobile drilling rigs operating in these areas, 45 FR 68391. That suspension will continue in effect until new final regulations are published. At that time, the parties will move to dismiss the complaint as to the issue covered by the Settlement Agreement, and thereby to vacate the August 29, 1980, order.

EPA issues NPDES permits to offshore oil and gas facilities involved in the identification and recovery of hydrocarbon reserves, including mobile drilling units and fixed platforms discharging into ocean waters beyond the three mile limit of the territorial seas. EPA also issues NPDES permits to these facilities operating in the territorial seas if the adjoining State does not have an approved NPDES permit program. EPA's current consolidated permit regulations at 40 CFR 122.59 authorize the issuance of NPDES general permits to control the discharge of pollutants from a category of point sources located in the same geographic area if it is determined that their discharges warrant similar pollution control measures. EPA proposes to revise § 122.59 to require Regional Administrators to issue general permits, rather than individual permits, for most discharges from oil and gas exploration and production facilities within the Region's jurisdiction, unless the use of a general permit is demonstrated to be clearly inappropriate.

The traditional regulatory framework for NPDES permits requires that an owner or operator of a facility file an application for a permit; therefore, the permit process does not begin until the identity of the owner or operator is established after the Final Notice of Sale by the Bureau of Land Management (BLM). EPA proposes the use of general permits for oil and gas facilities in existing lease sale areas, as well as future lease sale areas established by

the BLM. The general permit should eliminate this post-lease delay in permit issuance. The provisions for general permits provide that sufficient information may be available to determine permit conditions without application information. Therefore, general permits can be issued without a named party and without any application required from individual owners or operators. In addition, final general NPDES permits are not subject to evidentiary hearings (although the Regional Administrator may in his discretion hold a panel hearing), thereby eliminating another time-consuming aspect of the NPDES process.

EPA's decision to issue a general permit is dependent upon information sufficient to determine appropriate permit conditions. For discharges into the marine waters, the information must be sufficient to address specific criteria set forth in the Ocean Discharge Criteria under section 403(c) of the Clean Water Act (40 CFR 125.122). Since EPA's mechanism for obtaining necessary information rests with the NPDES application, eliminated in the general permit program, the issuance of general permits during the OCS lease sale process will depend upon close cooperation and coordination between the Department of the Interior (DOI) and EPA. A Memorandum of Understanding (MOU) which will provide the mechanism for further coordination of NPDES permit issuance and lease sale activities is currently under development and review by both agencies.

With sufficient information to determine permit conditions, general NPDES permits may be issued for entire tracts or groups of tracts offered in OCS lease sales. The provision for the use of general permits also applies to discharges into the territorial seas when EPA is the permit-issuing authority and sufficient information exists to determine appropriate permit conditions. Generally, broad areas of a lease sale will require the same effluent limitations and self-monitoring and reporting requirements, and, therefore, are appropriately controlled by a single general permit. Areas of biological concern within a lease sale area should also be subject to general permits. However, these areas of biological concern will require permit conditions which differ from those contained in a broader area general permit. In such cases separate general permits are necessary. If a lease sale area contains several areas of biological concern with different community structure, they may be more appropriately controlled by



separate general permits or by individual permits. However, individual permits should only be used when a general permit is clearly inappropriate.

EPA is developing criteria to identify areas of biological concern on the outer continental shelf. These criteria will provide those personnel involved in making permit decisions for the OCS with a comprehensive methodology that can be applied in determining habitat sensitivity. Criteria for objectively "scoring" a candidate habitat against sensitivity criteria and techniques for evaluating such "scorings" will enable EPA to determine the types of hazard assessments required, and identify the appropriate mitigating measures for permit effluent limitations and conditions.

Section 122.59(c)(2) requires that when a Regional Administrator determines that a general permit is appropriate for a particular offshore lease sale area, he shall issue a project decision schedule which complies with the requirements of § 124.3(g) and which provides for the issuance of a final general permit no later than the date of final notice of sale of the lease sale area as projected by the Department of Interior or 6 months after the date of request for a general permit, whichever is later. As with all dates projected in project decision schedules, the Regional Administrator should strive to meet such deadlines. Recognizing, however, that factors beyond the control of EPA (e.g., failure of the environmental impact statement to provide adequate information upon which to base decisions required by section 403(c) of the CWA) could delay the issuance of the final general permit beyond the dates projected in the project decision schedule, the Regional Administrator shall, in any event, on or before the final notice of lease sale, issue a draft general permit for those areas which are not potential areas of biological concern or do not otherwise need separate permit conditions.

#### *C. Modification of NPDES Permits (40 CFR 122.15)*

In order to prevent unnecessary administrative hearings and litigation during rulemaking proceedings on these proposals, EPA has agreed to propose a new § 122.15(a)(5) allowing NPDES permits which became final after August 19, 1981, to be modified to conform to any final rule adopted under the Settlement Agreement for §§ 122.7(c) and 122.60(b). Changes proposed today relating to other provisions would not affect the terms or conditions of existing permits. The cut-off date is proposed so as to prevent unnecessary modifications

which could place an unreasonable strain on Agency or State resources.

#### **IV. Effective Date**

Section 553(d) of the Administrative Procedure Act (APA) requires publication of a substantive rule not less than 30 days before its effective date. In addition, section 3010(b) of RCRA provides that EPA's hazardous waste regulations, and revisions thereto, take effect six months after their promulgation. The purpose of these requirements is to allow permittees sufficient lead time to prepare to comply with new regulatory requirements. For the amendments proposed today, however, EPA believes that an effective date 30 days or six months after promulgation would cause unnecessary disruption in the implementation of the regulations and would be contrary to the public interest. Section 553(d)(1) of the APA provides an exemption from the requirement to delay the effective date of a promulgated regulation for 30 days in instances where the regulation will relieve restrictions on the regulated community. These amendments, if promulgated in final form, would relieve restrictions on permittees under the NPDES, RCRA and UIC programs by providing greater flexibility in meeting the requirements of the programs. EPA believes that these are not the type of regulations that Congress had in mind when it provided a delay between the promulgation and the effective date of revisions to regulations. Consequently, EPA believes it will have good cause to make these amendments effective immediately if and when they are promulgated in final form, but requests comments on whether such action would cause hardship for the regulated community or otherwise be inappropriate.

#### **V. Executive Order 12291**

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. These amendments clarify the meaning of several generic permit requirements and generally make the regulations more flexible and less burdensome for affected permittees. They do not satisfy any of the criteria specified in section 1(b) of the Executive Order and, as such do not constitute major rulemakings. This regulation was submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the office of Water Enforcement and Permits, U.S.

Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

#### **VI. Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., EPA must submit a copy of any proposed rule which contains a collection of information requirement to the Director of OMB for review and approval. These amendments contain no information collection requests and therefore the Paperwork Reduction Act is not applicable.

#### **VII. Regulatory Flexibility Act**

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. No regulatory flexibility analysis is required, however, where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of entities. Today's proposed amendments to the regulations clarify the meaning of several generic permit requirements and otherwise make the regulations more flexible and less burdensome for all permittees. Accordingly, I hereby certify, pursuant to 5 U.S.C. 605(b) that these amendments will not have a significant impact on a substantial number of small entities.

Dated: June 1, 1982.

Anne M. Gorsuch,  
Administrator.

#### **List of Subjects**

##### *40 CFR Part 122*

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, confidential business information.

##### *40 CFR Part 123*

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

##### *40 CFR Part 124*

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indians—lands.

It is proposed that 40 CFR Parts 122, 123, and 124 be amended as follows:



**PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM**

1. Section 122.3 is proposed to be amended by revising the definition of "New discharger" as follows:

**§ 122.3 Definitions.**

"New discharger" (NPDES) means any building, structure, facility, or installation:

- (a) From which there is or may be a "discharge of pollutants;"
- (b) That did not commence the "discharge of pollutants" at a particular "site" prior to August 13, 1979;
- (c) Which is not a "new source;" and
- (d) Which has never received a finally effective NPDES permit for discharges at that "site."

This definition includes and "indirect discharger" which commences discharging into "waters of the United States" after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a "site" for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a "site" under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the Regional Administrator in the issuance of a final permit to be area of biological concern. In determining whether an area is an area of biological concern, the Regional Administrator shall consider the factors specified in 40 CFR 125.122(a)(1) through (10). An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a "new discharger" only for the duration of its discharge in an area of biological concern.

2. Section 122.5 is proposed to be amended by revising paragraph (d) as follows:

**§ 122.5 Continuation of expiring permits.**

(d) *State continuation.* (1) An EPA-issued NPDES or UIC permit, or a Corps of Engineers 404 permit, does not

continue in force beyond its expiration date under Federal law if at that time a State is the permitting authority. States authorized to administer the UIC, NPDES, or 404 programs may continue either EPA or Corps of Engineers or State-issued permits until the effective date of the new permits, if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

(2) In a State with a hazardous waste program authorized under 40 CFR Part 123, Subparts A and B or Subpart F, if a permittee has submitted a timely and complete application under applicable state law and regulations, the terms and conditions of an EPA-issued RCRA permit continue in force beyond the expiration date of the permit, but only until the effective date of the State's issuance or denial of a State RCRA permit.

3. Section 122.6 is proposed to be amended by revising paragraphs (a)(1) and (d) as follows:

**§ 122.6 Signatories to permit applications and reports.**

(a) \* \* \*

(1) *For a corporation:* by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note.*—EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in § 122.6(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign RCRA and NPDES permit applications may provide for assignment or delegation to applicable corporate positions under § 122.6(a)(1)(ii) rather than to specific individuals.

(d) *Certification.* Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**§ 122.7 [Amended]**

4. Section 122.7 is proposed to be amended by removing paragraph (d) and redesignating paragraphs (e) through (l) as (d) through (k).

5. Section 122.12 is proposed to be amended by revising the introductory paragraph as follows:

**§ 122.12 Considerations under Federal law.**

The following is a list of Federal laws that may apply to the issuance of permits under these rules. When any of these laws is applicable, its procedures must be followed. When the applicable law requires consideration or adoption of particular permit conditions or requires the denial of a permit, those requirements also must be followed.

6. Section 122.15 is proposed to be amended by adding paragraph (a)(5)(xii) as follows:

**§ 122.15 Modification or revocation and reissuance of permits.**

(a) \* \* \*

(5) \* \* \*

(xii) When the permit becomes final and effective on or after August 19, 1981, if the permittee shows good cause for the modification, to conform to changes respecting the following regulations issued under the Settlement Agreement dated November 16, 1981, in connection with *Natural Resources Defense Council v. EPA*, No. 80-1607 and consolidated cases:

Section 122.7(c)  
Section 122.60(b)

7. Section 122.28 is proposed to be amended by redesignating paragraphs (d) and (e) as (e) and (f), and adding a new paragraph (d) as follows:

**§ 122.28 Additional conditions applicable to all RCRA permits.**

(d) In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall



carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

8. Section 122.41 is proposed to be amended by adding a new paragraph (f) as follows:

**§ 122.41 Additional conditions applicable to all UIC permits.**

(f) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

9. Section 122.59 is proposed to be amended by adding a new paragraph (c) as follows:

**§ 122.59 General permits.**

(c) *Offshore oil and gas facilities* (Not applicable to State programs.) (1) The Regional Administrator shall, except as provided below, issue general permits covering discharges from offshore oil and gas exploration and production facilities within the Region's jurisdiction. Where the offshore area includes areas, such as areas of biological concern, for which separate permit conditions are required, the Regional Administrator may issue separate general permits, individual permits, or both. The reason for separate general permits or individual permits shall be set forth in the appropriate fact sheets or statements of basis. Any statement of basis or fact sheet for a draft permit shall include the Regional Administrator's tentative determination as to whether the permit applies to "new sources," "new dischargers," or existing sources and the reasons for this determination, and the Regional Administrator's proposals as to areas of biological concern subject either to separate individual or general permits. For Federally leased lands, the general permit area should generally be no less extensive than the lease sale area defined by the Department of the Interior.

(2) Any interested person, including any prospective permittee, may petition the Regional Administrator to issue a general permit. Unless the Regional Administrator determines under paragraph (c)(1) that no general permit is appropriate, he shall promptly provide a project decision schedule covering the issuance of the general permit or permits for any lease sale area for which the Department of the Interior has published a draft environmental impact statement. The project decision schedule shall meet

the requirements of § 124.3(g), and shall include a schedule providing for the issuance of the final general permit or permits not later than the date of the final notice of sale projected by the Department of the Interior or six months after the date of the request, whichever is later. The Regional Administrator may, at his discretion, issue a project decision schedule for offshore oil and gas facilities in the territorial seas.

(3) Nothing in this paragraph (c) shall affect the authority of the Regional Administrator to require an individual permit under § 122.59(b)(2)(i) (A) through (F).

10. Section 122.60 is proposed to be amended by revising paragraph (b) as follows:

**§ 122.60 Additional conditions applicable to all NPDES permits.**

(b) The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**PART 123—STATE PROGRAM REQUIREMENTS**

11. Section 123.9 is proposed to be amended by revising paragraph (c) and adding a new first paragraph to the note following paragraph (c) as follows:

**§ 123.9 Requirements for enforcement authority.**

(c) A civil penalty assessed, sought, or agreed upon by the State Director under paragraph (a)(3) of this section shall be appropriate to the violation.

*Note.*—To the extent that State judgments or settlements provide penalties in amounts which EPA believes to be substantially inadequate in comparison to the amounts which EPA would require under similar facts, EPA, when authorized by the applicable statute, may commence separate actions for penalties.

12. Section 123.97 is proposed to be amended by adding a new paragraph (e) as follows:

**§ 123.97 Additional conditions applicable to all 404 permits.**

(e) The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**PART 124—PROCEDURES FOR DECISIONMAKING**

**§ 124.3 Application for a permit.**

13. Section 124.3(g) is proposed to be amended by adding the following after the words "new discharger" and before the words "the Regional Administrator shall \* \* \*":

(g) \* \* \* or a permit to be issued under provisions of § 122.59(c) \* \* \*

14. Section 124.60 is proposed to be amended by revising paragraph (a)(2) and adding new paragraphs (a)(3) and (c)(7) as follows:

**§ 124.60 Issuance and effective date and stays of NPDES permits.**

(a) \* \* \*  
(2) Whenever a source or facility subject to this paragraph or to paragraph (c)(7) of this section has received a final permit under § 124.15 which is the subject of a hearing request under § 124.74 or a formal hearing under § 124.75, the Presiding Officer, on motion by the source or facility, may issue an order authorizing it to begin discharges (or in the case of RCRA permits, construction or operations) if it complies with all uncontested conditions of the final permit and all other appropriate conditions imposed by the Presiding Officer during the period until final agency action. The motion shall be granted if no party opposes it, or if the source or facility demonstrates that:

(i) It is likely to receive a permit to discharge (or in the case of RCRA permits, to operate) at that site;

(ii) The environment will not be irreparably harmed if the source or facility is allowed to begin discharging (or in the case of RCRA, to begin operating) in compliance with the conditions of the Presiding Officer's order pending final agency action; and

(iii) Its discharge (or in the case of RCRA, its operation) pending final agency action is in the public interest.

(3) *For RCRA only*, no order under paragraph (a)(2) may authorize a facility to commence construction if any party has challenged a construction-related permit term or condition. If no party has challenged a construction-related permit term or condition, the Presiding Officer, on motion by the facility, shall issue an order authorizing it to begin construction under the terms of paragraph (a)(2).

(c) \* \* \*  
(7) If for any offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig which



has never received a finally effective permit to discharge at a "site," but which is not a "new discharger" or a "new source," the Regional Administrator finds that compliance with certain permit conditions may be necessary to avoid irreparable environmental harm during the administrative review, he may specify in the statement of basis or fact sheet that those conditions, even if contested, shall remain enforceable obligations of the discharger during administrative review unless otherwise modified by the Presiding Officer under paragraph (a)(2) of this section.

15. Section 124.119 is proposed to be amended by adding new paragraphs (c) and (d) as follows:

**§ 124.119 Presiding Officer.**

(c) Whenever a panel hearing will be held on an individual draft NPDES permit for a source which does not have an existing permit, the Presiding Officer, on motion by the source, may issue an order authorizing it to begin discharging if it complies with all conditions of the draft permit or such other conditions as may be imposed by the Presiding Officer in consultation with the panel. The motion shall be granted if no party opposes it, or if the source demonstrates that:

(i) It is likely to receive a permit to discharge at that site;

(ii) The environment will not be irreparably harmed if the source is allowed to begin discharging in compliance with the conditions of the Presiding Officer's order pending final agency action; and

(iii) Its discharge pending final agency action is in the public interest.

(d) If for any offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig which has never received a finally effective permit to discharge at a "site," but which is not a "new discharger" or "new source," the Regional Administrator finds that compliance with certain permit conditions may be necessary to avoid irreparable environmental harm during the nonadversary panel procedures, he may specify in the statement of basis or fact sheet that those conditions, even if contested, shall remain enforceable obligations of the discharger during administrative review unless otherwise modified by the Presiding Officer under paragraph (c) of this section.

[FR Doc. 82-15856 Filed 6-11-82; 8:45 am]

BILLING CODE 5650-50-M

**40 CFR Part 761**

[OPTS 62017A; TSH FRL 2103-7]

**Polychlorinated Biphenyls (PCBs); Manufacture, Processing, Distribution, and Use in Closed and Controlled Waste Manufacturing Processes**

**Correction**

In FR Doc. 82-15599 appearing on page 24976 in the issue of Tuesday, June 8, 1982, make the following correction.

On page 24976, in the first column, the "DATES" paragraph, the date for the informal hearing reading "August 6, 1982" should read "July 23, 1982" and the date for comments reading "July 23, 1982" should read "July 8, 1982".

BILLING CODE 1505-01-M

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Part 192**

[Docket No. PS-60; Notice 2]

**Transportation of Natural and Other Gas by Pipeline; Hot Taps in Gas Pipelines**

**AGENCY:** Materials Transportation Bureau (MTB), DOT.

**ACTION:** Withdrawal of proposed rulemaking.

**SUMMARY:** By Notice 1, MTB proposed that operators be required to determine the pressure in a pressurized pipeline before allowing the gas to flow through a newly made branch connection into another pipeline. The proposed rule was intended to preclude overpressurization hazards that can arise when two pipelines are erroneously connected. Although all commenters supported the safety objective to be attained, the proposed rule would be unnecessary in some cases, and MTB does not have enough historical accident data or other information about the potential for future accidents to clearly demonstrate that the expected benefits of the proposed rule would outweigh the costs of implementation. As a consequence, the proposed rulemaking action is hereby withdrawn.

**FOR FURTHER INFORMATION CONTACT:** L. M. Furrow, 202-426-2392.

**SUPPLEMENTARY INFORMATION:**

**Background**

The National Transportation Safety Board (NTSB) investigated and reported on two pipeline accidents caused by operators making branch connections to

pressurized pipelines other than the ones intended. The connecting procedure is called a "hot tap," and results in gas flowing to the connected piping without interrupting the operation of the tapped pipeline.

One accident occurred in Greenwich, Connecticut, on May 25, 1977, when a gas company crew tapped a 3-inch casing pipe, thinking it was a gas main. The crew did not have accurate maps or records to show the main's location. As a result, the tap severed a 2-inch gas line inside the casing and caused a massive gas escape that exploded, destroying 3 buildings and injuring 10 people.

The second accident happened May 17, 1978, at Mansfield, Ohio, during completion of the tie-in of a replacement for an 8-inch high pressure gas main. The gas company crew, mistakenly tapped an 8-inch low pressure gas main and connected it to the pressurized 8-inch high pressure main. The resulting overpressurization of the low-pressure system caused excessively high pilot flames on gas appliances that damaged 16 houses, 5 extensively. The mistaken connection occurred because the two mains were similar in appearance and crossed each other near where the connection was made. As in the Greenwich incident, gas company maps and records did not accurately show the correct location of the mains.

Following its investigation of the Mansfield incident, and in light of the Greenwich occurrence, NTSB made the following recommendation for rulemaking:

Revise 49 CFR Part 192 to require that gas system operators verify through pressure monitoring or other means the identity of all pipelines before performing hot taps. (P-78-51)

**Proposed Rules**

In the belief that operators should take steps, apart from reliance on maps and records, to reduce the chance of performing hot taps on the wrong pipelines, MTB published a notice of proposed rulemaking (NPRM) (44 FR 68491, November 29, 1979). The NPRM requested comments on a two-part proposal to revise an existing regulation (§ 192.627), which requires that hot taps be made "by a crew qualified to make hot taps."

The first part of the proposal would have redesignated the present rule as paragraph (a) of § 192.627, and modified the language to require that hot taps be made "by a person who has demonstrated competency in the application and use of the tapping equipment." This proposed amendment was to clarify the meaning of the phrase



"qualified to make hot taps," expecting to eliminate errors of incorrect piping identification that could, in part, be due to lack of training.

In the second part of the NPRM, MTB proposed that a new paragraph (b) be added to § 192.627 to require that "where two or more pressurized pipelines are being connected, the pressure in each pipeline \* \* \* must be determined by a pressure gauge prior to allowing gas to flow between the pipelines." This proposal was based on NTSB's Recommendation P-78-51 quoted above.

#### Qualification of Personnel

Of the 40 persons who submitted comments on the NPRM, there were 29 that expressed an interest in the proposed § 192.627(a). Eleven of these supported the proposal, generally indicating it was believed to be in the interest of safety. However, the remainder either opposed the rule change outright or offered modifications.

Those who preferred that the existing rule not be amended stated that it is more indicative of actual hot tapping practice, which usually involves a "crew" (this point was especially made by interstate transmission operators). Many commenters interpreted the proposed requirement for a person to have "demonstrated competency" to necessitate training and testing or a similar certification program. This latter point was also made by the Technical Pipeline Safety Standards Committee (TPSSC) who reviewed the proposed rule change as required by Section 4 of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1673).

After considering these comments, MTB believes that changing the current rule as proposed would not provide a better standard for the qualifications of persons making hot taps. While the present rule is imprecise in this regard, the proposed rule that persons must have "demonstrated competency" arguably is just as imprecise, and would not require any more than is normally done by prudent operators in complying with the present rule. Also, it does not appear that merely rewarding the present rule would have the desired effect of helping to preclude problems of human error with respect to misconnections. MTB, therefore, is withdrawing the proposal to amend § 192.627.

#### Identification of Pipelines

While all of the commenters supported the safety objective of the proposed § 192.627(b), there were many who, for different reasons, questioned the need for a new regulation. Among

this group were those who said that the present rule (§ 192.627) provides sufficient safeguards if it is conscientiously observed, and that one or two accidents caused by improper procedures do not justify a rule change.

Interstate transmission operators said their industry already follows stringent operating procedures that avoid confusion in linking pipelines of incongruous pressures, so that the proposed rule would provide no additional safety benefit. To support this position, these operators pointed out that due to the high pressures involved, experienced personnel and sophisticated pressure indicating and recording equipment must be used in making hot taps. They added that most hot taps on transmission lines are made in relatively unpopulated areas (Classes 1 and 2), and pipeline identity is not difficult since in these areas, rights-of-way normally contain only the pipelines of the operator involved.

A third set of comments questioned the need to identify pipelines by pressure indicators in systems that have only one pressure. This situation occurs mostly in low-pressure, private or municipally operated systems, but it is also present in high-pressure or low-pressure districts of large distribution systems. The operators who submitted these comments said that maps and records suffice to identify pipelines in single-pressure areas, and that pressure gauges are needed only when some uncertainty arises in identifying a pipeline.

MTB has paid close attention to these comments because of its desire to eliminate or not adopt unnecessary regulations. Certainly, if a safety problem does not exist or a potential problem is small and remote, there is no need for a new generally applicable regulation. Moreover, the President's Executive Order on Federal regulation, E.O. 12291, requires, among other things, that new regulations not be established unless there is "adequate information concerning the need for and consequences of" the regulation, and unless "the potential benefits to society from the regulation outweigh the potential costs to society."

The comments indicate that overpressurization by tapping the wrong pipeline is not likely to happen on transmission lines. Commenters representing the interstate transmission industry pointed out, correctly we believe, that the problem of erroneous connections is more apt to occur on pipeline systems with a range of pressures buried in populated areas crowded with utility piping. In contrast, the bulk of hot taps on transmission

lines are done in relatively unpopulated areas on rights-of-way dedicated to transmission piping. In addition, because of the high pressures involved, hot taps on transmission lines are usually performed with special techniques and procedures that are not used on distribution lines, and the techniques normally incorporate pressure measuring devices. In consideration of these factors, MTB believes that the problem of misconnections involving transmission lines is not an actual or potential threat to public safety, and rulemaking with respect to these lines is unnecessary.

Although there were no comments with respect to gathering lines in populated areas that are subject to Part 192, they too are normally located in dedicated rights-of-way, reducing the likelihood of misconnections inasmuch as these gathering lines are subject to the same safety standards in Part 192 as transmission lines, further rulemaking with respect to these lines for purposes of precluding misconnections does not appear necessary.

Likewise, MTB is persuaded that there is no need to test the pressure of a pipeline as an added check on its identity if that pipeline is part of a single-pressure distribution system where all the mains have the same design pressure. These systems often occur in small towns, where there is only one pressure regulating station downstream from a transmission line. While confusion about a pipeline's identity could lead in these systems to an incorrect connection, there would be no chance of overpressurization like in the Mansfield case. Also, even if prompt pressure measurement at the moment of hot tapping were to preclude accidents like that at Greenwich, Connecticut, the uncertainty of this eventuality reduces the potential benefits below that needed to offset costs. Therefore, rulemaking does not appear necessary with respect to single-pressure distribution systems characterized by just one pressure regulating station downstream from a transmission line.

With the elimination of transmission lines, gathering lines, and single-pressure distribution systems from consideration for rulemaking, there remains to be considered only single-pressure districts of large multi-pressure distribution systems with staged pressure regulation. In the case of a single-pressure district, a higher pressure main may be near or pass through the district as in the Mansfield case, so that the threat of misconnection and overpressurization is not totally absent. Even commenters who opposed



rulemaking for single-pressure districts admitted that situations could occur where a pipeline's identity would be uncertain. Yet, upon further examination of the record, MTB finds little more than conjecture to show that the proposed rule would, if implemented in these single-pressure districts, result in fewer accidents due to misconnections, and thus net dollar benefits to society as required by E.O. 12291. Only 2 accidents are directly attributable to misconnections, and of these, it is doubtful the Greenwich accident would

have been prevented had the proposed rule on pressure monitoring been in effect. A sounder historical statistical base is necessary to show both a need for rulemaking, in terms of the prevalence of the problem, and that the projected costs of implementation (estimated at approximately \$0.5 million a year) would be less than the projected payoff in terms of accidents prevented. Hence, in accordance with E.O. 12291, MTB is withdrawing the NPRM from further consideration. In the future, if adequate statistical data develop

through the leak reporting under 49 CFR Part 191 or other sources to clearly demonstrate the need for and benefits from additional regulations to preclude misconnections, MTB will again propose rulemaking action.

(49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53, App. A to Part 1 and App. A to Part 106)

Issued in Washington, DC, on June 7, 1982.

Melvin A. Judah,

*Acting Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.*

[FR Doc. 82-15886 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-60-M



# Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

**Programmatic Memorandum of Agreement Regarding Treatment of Historic Properties Affected by the Operation and Maintenance of Projects of the Walla Walla District of the Corps of Engineers in the States of Washington, Oregon, and Idaho**

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice.

**SUMMARY:** The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Sec. 800.8 of the regulations, "Protection of Historic and Cultural Properties" (36 CFR 800) with the Walla Walla District of the Corps of Engineers and the State Historic Preservation Officers of Washington, Oregon, and Idaho concerning the operation and maintenance of Corps of Engineers projects in the states of Washington, Oregon, and Idaho and the effects such activities may have on historic properties. The agreement establishes a system to ensure adequate consideration is given to historic properties in planning and carrying out operation and maintenance in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and Section 2(b) of Executive Order 11593.

**COMMENTS DUE:** July 14, 1982.

**ADDRESS:** Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 730 Simms Street, Room 450, Golden, Colorado 80401.

**FOR FURTHER INFORMATION CONTACT:** Brit Allan Storey, Historian, Western Division of Project Review, Advisory Council on Historic Preservation, 730 Simms Street, Room 450, Golden, Colorado 80401 (303) 234-4946.

Dated: June 9, 1982.

**Robert R. Garvey, Jr.,**  
*Executive Director.*

[FR Doc. 82-15952 Filed 6-11-82; 8:45 am]

**BILLING CODE 4310-10-M**

## CIVIL AERONAUTICS BOARD

### Appointments to Senior Executive Service Performance Review Board

Two additional members are being appointed to the CAB's Performance Review Board. The additional members are: John V. Coleman, Director, Bureau of Domestic Aviation and Paul L. Gretch, Assistant Director, Bureau of International Aviation.

**FOR FURTHER INFORMATION CONTACT:** Steven G. Rappold, Assistant Director, Office of Human Resources, Civil Aeronautics Board. (202) 673-5503.

**Wilma J. Kriviski,**  
*Director, Office of Human Resources.*

[FR Doc. 82-15989 Filed 6-11-82; 8:45 am]

**BILLING CODE 6320-01-M**

[Docket 40432]

### Bergt-AIA-Western-Wien Acquisition and Control Case; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this case is assigned to be held before the Board on Wednesday, July 7, 1982, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Wednesday, June 30, 1982, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., June 9, 1982.

**Phyllis T. Kaylor,**  
*Secretary.*

[FR Doc. 82-15988 Filed 6-11-82; 8:45 am]

**BILLING CODE 6320-01-M**

[Order 82-6-12; Docket 37554]

### Establishment of the Standard Foreign Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June, 1982.

Federal Register

Vol. 47, No. 114

Monday, June 14, 1982

The International Air Transport Competition Act (IATCA), P.L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base<sup>1</sup> periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and Order 82-3-79 established the currently effective SFFL applicable through May 31, 1982.

The SFFL for travel commencing June 1, 1982, will be established for a two-month period, and, alternatively, for a four-month period—June through September. The two-month SFFL is required by statute. The four-month SFFL represents a continuation of our policy to provide carriers an additional option recognizing that a longer effectiveness period may be better suited to the sometimes complex procedures involved in international fare-setting.

In calculating the SFFL for the period commencing June 1, we have projected nonfuel costs, based on the year ended December, 1981, and we have adjusted fuel prices to reflect the experienced rate of fuel cost escalation. The four-month average of December through March, 1982 fuel costs provides the following rates of escalation: 0.93 cents per gallon for the Atlantic entity; 0.133 cents per gallon in the Latin American entity; and 0.37 cents per gallon in the Pacific. Furthermore, in the absence of compelling reasons to do otherwise we are continuing our policy of relying on annual data in the computation of nonfuel cost escalation rates. As we have stated before, twelve-month data are usually more reliable because quarterly results can be completely distorted, and in the absence of unusual circumstances annual data provide a preferable base.

### Four-Month SFFL

In establishing the SFFL for the four-month period commencing June 1, 1982, we have projected nonfuel costs, based

<sup>1</sup> As defined in Section 1002(j) of the Federal Aviation Act of 1958.



on the year ended December, 1981, and we have adjusted fuel prices to reflect the latest fuel cost changes. Our calculations measure inflation from July 1, 1981, to August 1, 1982, the midpoint of the June-September projection period, for the three rate-making entities: Atlantic, Latin America and Pacific. The resulting projections for fuel prices are 105.47 cents in the Atlantic; 96.26 cents in Latin America; and 113.41 cents in the Pacific at August 1, 1982.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 1.3034 in the Atlantic, 1.2810 in Latin America, and 1.3594 in the Pacific over the October 1, 1979 level. (See Appendix B). This results in changes over the last four-month SFFL of -6.1 percent in the Atlantic; -3.5 percent in Latin America, and +1.2 percent in the Pacific.

#### Two-Month SFFL

As above, our calculations, based on the year ended December, 1981, measure inflation from July 1, 1981 to July 1, 1982, the midpoint of the June-July projection period, for the three rate-making entities. The rates of escalation for fuel are the same. Based on our calculations, we find the projected cost adjustment factor to be 1.3008 in the Atlantic; 1.2803 in Latin America; and 1.3514 in the Pacific, resulting in changes from the last two-month SFFL of -6.3 percent, -4.1 percent and +.01 percent, respectively.

The downward shift in the SFFL is the result of significant differences in the rate of change between the two periods being measured. Both fuel and nonfuel costs per available seat-mile have trended downward from the same period for the prior year. For example, the annual rate of change per available seat-mile for the year ended September 30, 1981 over 1980 was 14.5%. For the calendar year 1981 over CY 1980 the rate of change is reduced to 8 percent. Projecting the latest cost data to the midpoint of the new ratemaking period thus results in a lower SFFL level than was projected for the current ratemaking period for the Atlantic and Latin American entities. It should be noted that, for the first time, the latest twelve month period reflects a lower unit cost in nonfuel expense per ASM over the prior period, i.e., the year ended December 31, 1981 was less than the twelve months ended September 30, 1981, in the Atlantic entity.

Carriers should note that we will issue a revised two-month SFFL effective

August 1, but those implementing the four-month projection may not take the August 1 revision.

It should be noted that in calculating this SFFL adjustment, the Board limited its examination of fuel prices to the latest monthly figures available through March, since most of the carriers participating in our international weekly fuel price sample have failed to file the most recent weekly fuel data with us. While industry sources indicate that the recent fuel price reductions may have slowed, our latest monthly data does not support such a conclusion. We admonish those carriers that have been required to file weekly fuel data since 1979, that they must continue to do so.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective June 1, 1982, fares may be increased by the following adjustment factors over the October 1, 1979, level:

	Four month	Two month
Atlantic.....	1.3034	1.3008
Latin America.....	1.2810	1.2803
Pacific.....		

Secretary.

[FR Doc. 82-15990 Filed 6-11-82; 8:45 am]

BILLING CODE 6320-01-M

#### Mail Rates; Order

Order 82-6-36, June 4, 1982, Docket 40751, proposes increased intra-Hawaii service mail rates for the period July 1 through December 31, 1982.

Copies of this order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kayor,

Secretary.

[FR Doc. 82-15987 Filed 6-11-82; 8:45 am]

BILLING CODE 6320-01-M

#### CIVIL RIGHTS COMMISSION

##### Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on July 13, 1982, at the New England Regional Office, 55 Summer

Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting will be to discuss plans for followup activities to the report on teacher layoffs, racial tensions in Boston, Massachusetts, future activities and review the progress of the report on successful affirmative action.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548-5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 7, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-15950 Filed 6-11-82; 8:45 am]

BILLING CODE 6335-01-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Intent To Approve Amendments to the Coastal Management Program for San Francisco Bay

##### Introduction

The Management Program for San Francisco Bay (a segment of the California Coastal Management Program) was approved by the Assistant Administrator for Coastal Zone Management on February 16, 1977 pursuant to the requirements of the Coastal Zone Management Act of 1972 (CZMA) and the National Oceanic and Atmospheric Administration's (NOAA) implementing regulations (15 CFR Part 923). Under section 306(g) of the CZMA, States are permitted to amend or modify their approved management programs. The procedures for doing so are explained in 15 CFR 923.80.

The San Francisco Bay Conservation and Development Commission (BCDC) has requested the Assistant Administrator to amend its approved Management Program to include planning processes related to providing public access, controlling erosion, and siting energy facilities which were developed in accordance with sections 305(b)(7)-(9) of the CZMA, and a Public Access Supplement to the Management



Program. These program elements are summarized below.

The Assistant Administrator has made a preliminary determination that the Management Program will continue to be an approvable program under the CZMA if amended, and that BCDC has coordinated with all appropriate parties the development of the amendments and has held public hearings on the proposed amendments, after proper notice, on March 15 and April 5, 1979, in accordance with section 306(c)(1) of the CZMA. It has also been determined that an environmental impact statement is not required for these amendments and that they qualify as categorical exclusions under NOAA Directive 02-10, Section 6.c.(1)(b): "Incorporation into a Coastal Zone Management Plan of State-proposed additional provisions that are consistent with the management objectives and are within the scope of the program for which an EIS or EA has already been issued." As explained below, the proposed amendments generally are based on existing provisions of the Management Program, the impacts of which were considered in an environmental assessment which was circulated at the time of NOAA approval of the Management Program. Also, pursuant to the California Environmental Impact Report Guidelines BCDC has certified a Negative Declaration for the planning elements, dated January 5, 1979.

The Office of Coastal Zone Management is interested in soliciting comments from Federal agencies and other interested parties on the proposed amendments. The comment period will stay open until July 29, 1982.

Comments should be submitted to: Mr. William Brah, Pacific Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Copies of the proposed amendments were widely circulated to Federal agencies and interested persons during their review and adoption by BCDC and can be reviewed at the above location and the following location: San Francisco Bay Conservation and Development Commission, 30 Van Ness Avenue, San Francisco, CA 94102.

The Office of Coastal Zone Management will consider all comments received and if there are no serious disagreements raised by Federal agencies during the comment period, the Assistant Administrator will make a final decision on whether to approve the proposed amendments and issue notice thereof in the **Federal Register**.

#### Description of the Proposed Amendments

The Shorefront Access Planning Element consists of two parts: (a) The existing BCDC planning and regulatory process as it relates to providing visual and physical access to public beaches and other public shoreline areas; and (b) BCDC's continuing process for updating and refining the shoreline land use and resources inventory upon which the current Management Program policies and regulations relating to public access are based. The Element also includes a more detailed Public Access Supplement to the Management Program which facilitates implementation of BCDC's legal responsibility to provide maximum feasible public access to the Bay by identifying sites around the Bay which are important for public access and by providing more specific policy guidance about what kind of access is appropriate.

The BCDC Energy Facility Planning Element is based on the statutes under which BCDC operates (the McAteer-Petris Act and certain provisions of the Suisun Marsh Preservation Act) and the policies of the two comprehensive plans that the BCDC has prepared (San Francisco Bay Plan and the Suisun Marsh Protection Plan) under those statutes. The planning process includes (a) an identification of energy facilities likely to locate in or significantly affect the coastal zone, (b) a process for assessing the suitability of sites for energy facilities, (c) the identification of State policy and other implementation means for managing energy facilities and their impacts, and (d) a process for coordination and cooperation with local, State and Federal agencies in siting energy facilities, including a process for adequately considering the national interest in siting decisions.

The Shoreline Erosion Planning Element consists of two parts: (a) The existing BCDC planning and regulatory process as it relates to shoreline erosion issues, including the policies and provisions of the McAteer-Petris Act and the San Francisco Bay Plan; and (b) a continuing process for updating and expanding to the extent necessary, current BCDC policies and regulations relating to shoreline erosion.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: June 7, 1982.

William Matuszeski,  
Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-15949 Filed 6-11-82; 8:45 am]

BILLING CODE 3510-09-M

#### Pacific Fishery Management Council's Groundfish Subpanel; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), and the Council has established a Groundfish Subpanel which will meet to discuss proposed changes to the Groundfish Fishery Management Plan.

**DATES:** The public meeting will convene on Tuesday, July 13, 1982, at approximately 10 a.m., and will adjourn at approximately 5 p.m.

**ADDRESS:** The meeting will take place at the Hacienda Airport Hotel, Wright International Room, 525 Sepulveda Boulevard, El Segundo, California.

**FOR FURTHER INFORMATION CONTACT:** Pacific Fishery Management Council, 526 S.W., Mill Street—Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: June 9, 1982.

Jack L. Falls,  
Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-16005 Filed 6-11-82; 8:45 am]

BILLING CODE 3510-22-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Import Controls on Certain Cotton Textile Products From the People's Republic of China

June 8, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Establishing levels of restraint for cotton printcloth in Category 315 and other woven cotton fabrics in Category 320, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on October 21, 1981 and extended through January 18, 1982; and the twelve-month period which began on January 19, 1982 and extends through January 18, 1983.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR



52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)).

**SUMMARY:** Pursuant to the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, consultations have been held concerning imports into the United States of textile products in Categories 315 and 320 from the People's Republic of China. Notice of the intention to hold these consultations was published in the *Federal Register* on October 21, 1981 (46 FR 51831). Under the terms of the bilateral agreement, the People's Republic of China is obligated to limit its exports to the United States of these products during the ninety-day and twelve-month periods to the following amounts:

Category	90-day level of restraint <sup>1</sup>
315.....	32,811,078 square yards.
320.....	18,191,281 square yards.

<sup>1</sup>Oct. 21, 1981 to Jan. 18, 1982.

Category	12-month level of restraint <sup>1</sup>
315.....	109,812,778 square yards.
320.....	57,214,246 square yards.

<sup>1</sup>Jan. 19, 1982 to Jan. 18, 1983.

In the event the limits established for the ninety-day period have been exceeded, such excess amounts shall be charged to the levels defined in the agreement for the subsequent twelve-month period.

Inasmuch as a mutually satisfactory solution has not yet been reached between the two governments, despite numerous discussions, the United States Government has decided, in carrying out the provisions of the agreement, to limit the entry of imports as set forth above. The United States, however, remains committed to finding a mutually satisfactory solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the *Federal Register*.

**EFFECTIVE DATE:** June 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On December 17, 1981, there was published in the *Federal Register* (46 FR 61495) a letter dated December 14, 1981 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements

which established levels of restraint for certain categories of cotton, wool, and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1982. The notice document which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Categories 315 and 320, which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 315 and 320, produced or manufactured in the People's Republic of China and exported during the indicated ninety-day and twelve-month periods in excess of the designated levels of restraint.

Arthur Garel,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

June 8, 1982.

#### Committee for The Implementation of Textile Agreements

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C.*

Dear Mr. Commissioner: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 14, 1982 and for the ninety-day period which began on October 21, 1981 and extended through January 18, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 315 and 320, produced or manufactured in the People's Republic of China and exported on and after October 21, 1981, in excess of the following levels of restraint:

Category	90-day level of restraint <sup>1</sup>
315.....	32,811,078 square yards.
320.....	18,191,281 square yards.

<sup>1</sup>The levels of restraint have not been adjusted to reflect any imports after October 20, 1982.

Textile products in Categories 315 and 320 which have been exported to the United

States prior to October 21, 1981 shall not be subject to this directive.

You are further directed to prohibit, effective on June 14, 1982 and for the twelve-month period beginning on January 19, 1982 and extending through January 18, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 315 and 320, produced or manufactured in the People's Republic of China and exported on and after January 19, 1982, in excess of the following levels of restraint:

Category	12-month level of restraint <sup>1</sup>
315.....	109,812,778 square yards.
320.....	57,214,246 square yards.

<sup>1</sup>The levels of restraint have not been adjusted to reflect any imports after January 18, 1982.

In carrying out this directive, entries of cotton textile products in Categories 315 and 320, produced or manufactured in the People's Republic of China, which have been exported to the United States during the period, October 21, 1981 through January 18, 1982, shall be charged against the levels of restraint established for such goods during that period. Goods in excess of the levels of restraint established for that period shall be charged to the levels of restraint established for the twelve-month period which began on January 19, 1982 and extends through January 18, 1983.

Textile products in Category 315 and 320, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926) and May 13, 1982 (47 FR 20654).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.



Sincerely,  
 Arthur Garel,  
*Acting Chairman, Committee for the  
 Implementation of Textile Agreements.*  
 [FR Doc. 82-16016 Filed 6-11-82; 8:45 am]  
 BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board (NDRB) commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographic area.

The following Naval Discharge Review Board itinerary for June 1982 through December 1982 has been approved, but remains subject to modification if required:

Boston, MA  
 June 7 through June 25, 1982  
 Chicago, IL  
 September 13 through September 24, 1982  
 San Francisco, CA  
 October 18 through October 29, 1982  
 Dallas, TX  
 December 6 through December 17, 1982

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and representatives will be notified by mail of the date and place of hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact:

Captain Raymond A. Ways, U.S. Navy,  
 Executive Secretary, Naval Discharge  
 Review Board, Suite 910, 801 North  
 Randolph Street, Arlington, Virginia  
 22203, telephone no. (202) 696-4881.

Dated: June 9, 1982.

F. N. Ottie,  
*Lieutenant Commander, JAGC, U.S. Navy,  
 Alternate Federal Register Liaison Officer.*  
 [FR Doc 82-16031 Filed 6-11-82; 8:45 am]  
 BILLING CODE 3810-AE-M

#### Secretary of the Navy's Advisory Board on Education and Training; Meeting

Pursuant to section 10, paragraph (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of an open meeting of the Secretary of the Navy's Advisory Board on Education and Training (SABET) to be held June 28-29, 1982. The June 28 session will begin at 8:15 a.m. and continue until 4:00 p.m. The June 29 session will begin at 8:30 a.m. and continue until 11:00 a.m. The Board will meet at the Chief of Naval Education and Training Command Headquarters in Pensacola, Florida.

As part of the meeting, the Board will examine training technology initiatives in the Naval Education and Training Command including the use of computer-based instruction. The Board will tour the USS Lexington (AVT-16), navigation and flight simulators, and receive briefings on the Aviation Officer Candidate School training.

Matters of continuing interest to be included by SABET at its working session on June 29 include issues and a report relating to Navy off-duty education.

Dated: June 10, 1982.

F. N. Ottie,  
*Lieutenant Commander, JAGC, U.S. Navy,  
 Alternate Federal Register Liaison Officer.*  
 [FR Doc. 82-16032 Filed 6-11-82; 8:45 am]  
 BILLING CODE 3810-AE-M

#### DELAWARE RIVER BASIN COMMISSION

##### Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 23, 1982, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular June business meeting, which is open to the public. Both the hearing and the meeting will be held in the Rembrandt Peale Room of the Holiday Inn, 1800 Market Street, Philadelphia, Pennsylvania. The subject

of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *City of Philadelphia Water Department (D-70-54 CP (Revised))*. Modifications to a proposed upgrading and expansion project to the Southeast Water Pollution Control Facility in the City of Philadelphia, Pennsylvania. The proposed revisions include reducing the number of aeration basins from 10 to 8, reducing the number of final settling tanks from 16 to 12, and changing the handling procedure for sludge disposal. Final detailed design has reduced the number of units required to treat a maximum monthly flow of 140 million gallons a day.

2. *Township of Middletown (D-75-65 CP)*. A surface water withdrawal project to serve Langhorne, Langhorne Manor and Pennel Boroughs and portions of Middletown Township, Bucks County, Pennsylvania. The applicant seeks transfer of withdrawal rights previously granted by the Commonwealth of Pennsylvania, and to obtain DRBC and Pennsylvania Department of Environmental Resources approval for an increase in withdrawal from Chub Run, a tributary of Neshaminy Creek. Up to 600,000 gallons a day will be withdrawn for treatment at the existing treatment plant in Langhorne Manor Borough to supplement ground water sources.

3. *Schwenksville Borough Authority (D-78-33 CP—Revision 2)*. A well water supply project to augment public water supplies in the Authority's service area in Schwenksville Borough, Montgomery County, Pennsylvania. The applicant seeks to increase the permitted total withdrawal from all existing wells from 200,000 gallons a day to 250,000 gallons a day. Water demand data previously submitted did not include water being conveyed by the Authority to Lower Frederick Water Company.

4. *Homestead Water Utility Company, Inc. (D-81-73 CP)*. A well water supply project to provide water supplies to the "Homestead at Mansfield" housing development in Mansfield Township, Burlington County, New Jersey. Two new wells will be utilized at a combined maximum monthly withdrawal rate of approximately 13 million gallons.

5. *Borough of Matamoras (D-81-78 CP)*. A well water supply project to augment public water supplies in the Borough of Matamoras, Pike County, Pennsylvania. Designated as Well No. 8, the new facility is expected to yield



about 250,000 gallons a day and will be used as standby for two existing wells.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Acting Secretary prior to the date of the hearing.

Dated: June 8, 1982.

Dawes Thompson,  
Acting Secretary.

[FR Doc. 82-15998 Filed 6-11-82; 8:45 am]

BILLING CODE 6360-01-M

## DEPARTMENT OF EDUCATION

### List of Nationally Recognized Accrediting Agencies and Associations

**AGENCY:** Department of Education.

**ACTION:** Notice—List of Nationally Recognized Accrediting Agencies and Associations.

**SUMMARY:** The Secretary of Education lists the nationally recognized accrediting agencies and associations that he determines to be reliable authority as to the quality of training offered by educational institutions or programs they accredit. The Secretary publishes this list for the purpose of determining institutional eligibility under the Higher Education Act and other Federal legislation. The list includes the general scope of recognition granted to each accrediting body.

**FOR FURTHER INFORMATION CONTACT:** Barbara Binker, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, SW. (Room 3522, ROB-3), U.S. Department of Education, Washington, D.C. 20202. Telephone: (202) 245-9873.

**SUPPLEMENTARY INFORMATION:** The Higher Education Act and other legislation, including the Veterans' Readjustment Assistance Act and the Public Health Service Act, require the Secretary to publish a list of nationally recognized accrediting agencies that the Secretary has determined to be reliable authorities concerning educational quality. The most recent list was published in the *Federal Register* on January 19, 1979, 44 FR 4017-4020. Revisions to this list were published in the *Federal Register* on March 13, 1980, 45 FR 16338-16339.

A number of changes have occurred since publication of the revisions on March 13, 1980. Rather than publish a new list of revisions, the Secretary feels it appropriate, and less confusing to the public, to issue a comprehensive list of nationally recognized accrediting

agencies and associations. This list supersedes the lists published in the *Federal Register* on January 19, 1979 and March 13, 1980.

### Regional Institutional Accrediting Associations

New England Association of Schools and Colleges  
Commission on Independent Schools  
Commission on Institutions of Higher Education  
Commission on Public Schools  
Commission on Vocational, Technical, Career Institutions

### Regional Institutional Accrediting Commissions

Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges  
Accrediting Commission for Schools, Western Association of Schools and Colleges  
Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges  
Commission on Colleges, Northwest Association of Schools and Colleges  
Commission on Colleges, Southern Association of Colleges and Schools  
Commission on Higher Education, Middle States Association of Colleges and Schools  
Commission on Institutions of Higher Education, North Central Association of Colleges and Schools  
Commission on Occupational Education Institutions, Southern Association of Colleges and Schools  
Commission on Schools, North Central Association of Colleges and Schools

### National Institutional and Specialized Accrediting Agencies and Associations

Architecture  
National Architectural Accrediting Board, Inc. (first professional degree programs)

### Art

National Association of Schools of Art and Design, Commission on Accreditation and Membership (professional schools and programs)

### Bible College Education

American Association of Bible Colleges, Commission on Accrediting (Bible colleges and institutes)

### Blind and Visually Handicapped Education

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (specialized schools for the blind and visually handicapped)

### Blood Bank Technology

American Medical Association, Committee on Allied Health

Education and Accreditation, in cooperation with the Subcommittee on Accreditation, American Association of Blood Banks (programs for the blood bank technologist)

### Business

American Assembly of Collegiate Schools of Business, Accreditation Council (baccalaureate and graduate degree programs in business and management)  
Association of Independent Colleges and Schools, Accrediting Commission (private postsecondary schools, junior colleges and senior colleges which are predominantly organized to educate students for business careers)

### Chiropractic

Council on Chiropractic Education, Commission on Accreditation (programs leading to the D.C. degree)

### Clinical Pastoral Education

Association for Clinical Pastoral Education, Inc. (professional training centers)

### Continuing Education

Council for Non-Collegiate Continuing Education, Accrediting Commission (programs in non-collegiate continuing education)

### Cosmetology

National Accrediting Commission of Cosmetology Arts and Sciences (cosmetology schools and programs)

### Cytotechnology

American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Cytotechnology Programs Review Committee, American Society of Cytology (programs for the cytotechnologist)

### Dance and Theater Education

Joint Commission on Dance and Theater Accreditation, sponsored by the National Association of Schools of Art and Design and the National Association of Schools of Music (independent dance and theater schools)

### Dental and Dental Auxiliary Programs

American Dental Association, Commission on Dental Accreditation (programs leading to the DDS or DMD degree, advanced dental specialty programs, general practice residency programs and programs in dental hygiene, dental assisting and dental technology)

### Dietetics

American Dietetic Association, Commission on Accreditation (coordinated undergraduate programs in dietetics, and dietetic



- internships)
- Engineering**  
Accreditation Board for Engineering and Technology, Inc. (first professional degree programs in engineering, graduate programs leading to advanced entry into the engineering profession, and associate and baccalaureate degree programs in engineering technology)
- Forestry**  
Society of American Foresters (programs leading to a bachelor's or higher first professional degree and related resource-oriented programs)
- Funeral Service Education**  
American Board of Funeral Service Education, Committee on Accreditation (independent schools and collegiate departments)
- Health Services Administration**  
Accrediting Commission on Education for Health Services Administration (graduate programs in health services administration)
- Histologic Technology**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (programs for the histologic technician)
- Home Study Education**  
National Home Study Council, Accrediting Commission (home study schools, including those granting associate degrees)
- Interior Design Education**  
Foundation for Interior Design Education Research, Committee on Accreditation (programs of interior design in junior and community colleges, trade and technical schools, professional schools, baccalaureate level schools and colleges and graduate schools)
- Journalism**  
Accrediting Council on Education in Journalism and Mass Communications (first professional degree programs)
- Landscape Architecture**  
American Society of Landscape Architects, Landscape Architectural Accreditation Board (first professional degree programs)
- Law**  
American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (professional schools)
- Librarianship**  
American Library Association, Committee on Accreditation (graduate programs leading to the first professional degree)
- Marriage and Family Therapy**  
American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education (graduate degree programs and clinical training programs)
- Medical Assistant Education**  
Accrediting Bureau of Health Education Schools (private medical assistant educational institutions and programs)
- American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Curriculum Review Board, American Association of Medical Assistants (one- and two-year medical assistant programs)**
- Medical Laboratory Technician Education**  
Accrediting Bureau of Health Education Schools (schools and programs for the medical laboratory technician)
- American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (associate degree and certificate programs for the medical laboratory technician)**
- Medical Record Education**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Council on Education, American Medical Record Association (programs for the medical record administrator and medical record technician)
- Medical Technology**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (professional programs)
- Medicine**  
Liaison Committee on Medical Education of the Council on Medical Education, American Medical Association and the Executive Council, Association of American Medical Colleges (programs leading to the M.D. degree)
- Microbiology**  
American Academy of Microbiology, Committee on Postdoctoral Educational Programs (postdoctoral programs)
- Musuc**  
National Association of Schools of Music (baccalaureate and graduate degree programs and non-degree granting institutions offering music education)
- Nuclear Medicine Technology**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee on Educational Programs in Nuclear Medicine Technology, which is sponsored by the American College of Radiology, American Society for Medical Technology, American Society of Clinical Pathologists, American Society of Radiologic Technologists and the Society of Nuclear Medicine (programs for the nuclear medicine technologist)
- Nursing**  
American Association of Nurse Anesthetists, Council on Accreditation of Nurse Anesthesia Education Programs/Schools (professional schools/programs of nurse anesthesia)  
National Association for Practical Nurse Education and Service, Inc., Accrediting Review Board (practical nurse programs)  
National League for Nursing, Inc., Board of Review for Associate Degree Programs, Board of Review for Baccalaureate and Higher Degree Programs, Board of Review for Diploma Programs, Board of Review for Practical Nursing Programs (professional, technical and practical nurse programs)
- Occupational Therapy**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Accreditation Committee, American Occupational Therapy Association (professional programs)
- Occupational, Trade and Technical Education**  
National Association of Trade and Technical Schools, Accrediting Commission (private schools primarily engaged in trade or technical training, including those offering associate and baccalaureate degrees)
- Optometry**  
American Optometric Association, Council on Optometric Education (professional programs)



- Osteopathic Medicine**  
American Osteopathic Association (programs leading to the D.O. degree)
- Pharmacy**  
American Council on Pharmaceutical Education (professional degree programs)
- Physical Therapy**  
American Physical Therapy Association, Committee on Accreditation in Education (professional programs for the physical therapist and programs for the physical therapist assistant)
- Physician's Assistant Education**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee on Educational Programs for Physician's Assistants, which is sponsored by the American Academy of Family Physicians, American Academy of Pediatrics, American Academy of Physician's Assistants, American College of Physicians, American College of Surgeons, American Society of Internal Medicine and the Association for Physician Assistant Programs (programs for the assistant to the primary care physician and the surgeon's assistant)
- Podiatry**  
American Podiatry Association, Council on Podiatry Education (colleges of podiatric medicine, including first professional degree and graduate degree programs)
- Psychology**  
American Psychological Association, Committee on Accreditation (doctoral programs in clinical, counseling, and school psychology, and predoctoral internship programs in professional psychology)
- Public Health**  
Council on Education for Public Health (graduate schools of public health, and graduate programs offered outside schools and public health in community health education and in community health/preventive medicine)
- Rabbinical and Talmudic Education**  
Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (rabbinical and Talmudic Schools)
- Radiologic Technology**  
American Medical Association, Committee on Allied Health Education Accreditation, in cooperation with the Joint Review Committee on Education in Radiologic Technology, which is sponsored by the American College of Radiology and the American Society of Radiologic Technologists (programs for the radiographer and radiation therapy technologist)
- Respiratory Therapy**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee for Respiratory Therapy Education, which is sponsored by the American Association for Respiratory Therapy, American College of Chest Physicians, American Society of Anesthesiologists and the American Thoracic Society (programs for the respiratory therapist and respiratory therapy technician)
- Social Work**  
Council on Social Work Education, Commission on Accreditation (master's and baccalaureate degree programs)
- Speech Pathology and Audiology**  
American Speech-Language-Hearing Association, Council on Professional Standards in Speech Pathology and Audiology (master's degree programs)
- Surgical Technology**  
American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with the Joint Review Committee on Education for the Surgical Technologist, which is sponsored by the American College of Surgeons, American Hospital Association and the Association of Surgical Technologists (programs for the surgical technologist)
- Teacher Education**  
National Council for Accreditation of Teacher Education (baccalaureate and graduate degree programs)
- Theology**  
Association of Theological Schools in the United States and Canada, Commission on Accrediting (graduate schools of theology)
- Veterinary Medicine**  
American Veterinary Medical Association, Committee on Animal Technician Activities and Training (two-year programs for animal technicians)  
American Veterinary Medical Association, Council on Education (programs leading to the D.V.M. or V.M.D. degree)
- Other**  
New York State Board of Regents (registration [Accreditation] of collegiate degree-granting programs or curricula offered by institutions of higher education)
- National Accrediting Agencies and Associations Recognized for Preaccreditation Categories—Regional Institutional Accrediting Commissions**  
Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (Candidate for Accreditation)  
Accrediting Commission for Schools, Western Association of Schools and Colleges (Candidate for Accreditation)  
Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges (Candidate for Accreditation)  
Commission on Colleges, Northwest Association of Schools and Colleges (Candidate for Accreditation)  
Commission on Colleges, Southern Association of Schools and Colleges (Candidate for Accreditation)  
Commission on Higher Education, Middle States Association of Colleges and Schools (Candidate for Accreditation)  
Commission on Independent Schools, New England Association of Schools and Colleges (Recognition of Candidacy for Accreditation)  
Commission on Institutions of Higher Education, New England, Association of Schools and Colleges (Candidate for Accreditation)  
Commission on Institutions of Higher Education, North Central Association of Colleges and Schools (Candidate for Accreditation)  
Commission on Occupational Education Institutions, Southern Association of Colleges and Schools (Candidate for Accreditation)  
Commission on Public Schools, New England Association of Schools and Colleges (Recognition of Candidacy for Accreditation)  
Commission on Schools, North Central Association of Colleges and Schools (Candidate for Accreditation)  
Commission on Vocational, Technical, Career Institutions, New England Association of Schools and Colleges (Candidate for Accreditation, Candidacy for Accreditation)
- National Institutional and Specialized Accrediting Agencies and Associations**  
Accreditation Board for Engineering and Technology, Inc., Engineering Technology Committee (Candidate for Accreditation [to be discontinued after 1983])  
American Association of Bible Colleges, Commission on Accrediting (Candidate for Accreditation)  
American Association of Nurse Anesthetists, Council on



Accreditation of Nurse Anesthesia Educational Programs/Schools (Preaccreditation)  
 American Council on Pharmaceutical Education (Candidate)  
 American Dental Association, Commission on Dental Accreditation (Accreditation Eligible)  
 American Optometric Association, Council on Optometric Education (Reasonable Assurance, Preliminary Approval)  
 American Osteopathic Association (Preaccreditation Status, Provisional Accreditation)  
 American Podiatry Association, Council on Podiatry Education (Reasonable Assurance, Preliminary Accreditation)  
 American Veterinary Medical Association, Council on Education (Reasonable Assurance of Accreditation)  
 Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (Correspondent, Candidate)  
 Association of Independent Colleges and Schools, Accrediting Commission (Recognized Candidate for Junior College Accreditation, Recognized Candidate for Senior College Accreditation [for institutions already holding accredited status])  
 Association of Theological Schools in the United States and Canada, Commission on Accrediting (Candidate for Accredited Membership)  
 Council on Chiropractic Education, Commission on Accreditation (Recognized Candidate for Accreditation)  
 Council on Education for Public Health (Preaccreditation)  
 Council on Social Work Education (Candidacy)  
 Liaison Committee on Medical Education (Reasonable Assurance, Provisional Accreditation)  
 National Association of Schools of Art and Design, Commission on Accreditation and Membership (Candidacy Status)  
*Discontinued preaccreditation categories:* New York State Board of Regents (Interim Registration, Preliminary Registration); American Dietetic Association (Developmental Accreditation).

Dated: June 8, 1982.

T. H. Bell,  
 Secretary of Education.

[FR Doc. 82-15942 Filed 6-11-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### Cordele Operating Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial order which was issued to Cordele Operating Company (Cordele) of Corsicana, Texas. This Proposed Remedial Order charges Cordele with pricing violations in the amount of \$2,381,864.17 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1, 1973 through October 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. On or before June 29, 1982, any aggrieved person may file a Notice of objection with the Office of Hearings and Appeals, 12 & Penn. Ave. N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 3rd day of June, 1982.

James A. Martin,  
 Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration.

[FR Doc. 82-15969 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M

#### Engineered Operating Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Engineered Operating Company (Engineered) of Wichita Falls, Texas. This Proposed Remedial Order charges Engineered with pricing violations in the amount of \$2,229,215.85 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period September 1, 1973 through June 30, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL

Audit & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of objection with the Office of Hearings and Appeals, 12 and Penn. Ave. NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 3rd day of June, 1982.

James A. Martin,  
 Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration.

[FR Doc. 82-15970 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M

#### LeClair Operating Company; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to LeClair Operating Company (LeClair) of Abilene, Texas. This Proposed Remedial Order charges LeClair with pricing violations in the amount of \$405,556.35 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1, 1973 through August 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12 and Penn. Ave. NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 3rd day of June, 1982.

James A. Martin,  
 Deputy Director, Crude and NGL Audit & Litigation Support Group, Economic Regulatory Administration.

[FR Doc. 82-15971 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M



**Federal Energy Regulatory Commission****[Docket No. CP81-257-001]****Columbia Gulf Transmission Co. and Tennessee Gas Pipeline Company a Division of Tenneco Inc.; Amendment**

June 8, 1982.

Take notice that on May 14, 1982, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Tennessee Gas Pipeline Company a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-257-001 pursuant to section 7(c) of the Natural Gas Act a joint amendment to Columbia Gulf's application filed on March 27, 1981, in Docket No. CP81-257-000 so as to reflect joint ownership and operation of certain pipeline and related facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that Columbia Gulf requested authority to construct and operate approximately 9.8 miles of 22-inch pipeline in Uinta County, Wyoming. Applicants further state that Columbia Gulf has agreed to permit Tennessee to share in the ownership and operation of the proposed facilities in order to assist Tennessee in effectuating the receipt of natural gas supplies from the Carter Creek area in Wyoming. It is stated that pursuant to an agreement dated March 23, 1982, Columbia Gulf and Tennessee would each own 50 percent of the proposed facilities. It is asserted that the estimated total cost of the proposed facilities is \$4,515,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

Commission's Rules. All persons who have heretofore filed need not file again.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15972 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP82-328-000]****Consolidated Gas Supply Corp.; Application**

June 8, 1982.

Take notice that on May 14, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP 82-328-00 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and/or sale of natural gas for the City of Houma, Louisiana (Houma), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a natural gas service agreement dated April 16, 1982, Applicant proposes to sell on a firm basis natural gas to Houma in quantities sufficient to meet the requirements of Houma's publicly-owned retail gas distribution in Terrebonne Parish, Louisiana. It is asserted that Applicant and Houma have agreed that the billing demand would be 6,650 dekatherms (dt) equivalent of natural gas per day and the winter requirement quantity would be 422,800 dt equivalent. Applicant states that delivery to Houma would be at the Getty Plant in Houma with provisions for an alternate point of delivery also in Houma. It is asserted that the sale for resale to Houma would be for a limited-term ending October 31, 1992 and would be made pursuant to Applicant's Rate Schedule RQ.

It is also asserted that Houma and Applicant have entered into a separate contract dated April 16, 1982 for a non-jurisdictional direct sale of natural gas to be used for electric generation. Applicant further proposes to transport this gas for Houma. Applicant states that it would sell up to 25,000 dt equivalent of natural gas daily and up to 5,140,000 dt equivalent of gas annually to Houma for power generation.

It is asserted that Houma would pay Applicant a rate for the gas sold to it equivalent to the 100 percent load factor rate based upon Applicant's three-part Rate Schedule RQ. Applicant requests that the quantities of gas sold in the non-jurisdictional direct sale to Houma

not be considered in designing Applicant's jurisdictional rates and that it be permitted to retain all revenues from the direct sale on natural gas to Houma.

It is asserted that the proposed services would give Applicant added market flexibility to avoid any take-or-pay penalties that might otherwise be imposed by its suppliers and would permit it to continue to be aggressive in securing additional long-term supplies for the benefit of its present and future firm customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15973 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M



[Docket Nos. C167-343-000 and C176-453-001]

**El Paso Exploration Co. (Successor in Interest to Odessa Natural Gasoline Co.) and El Paso Exploration Co. (Successor in Interest to Odessa Natural Corp.; Applications for Certificates of Public Convenience**

June 7, 1982.

Take notice that on May 14, 1982, El Paso Exploration Company, ("Applicant"), of Post Office Box 1492, El Paso, Texas 79978, filed applications for certificates of public convenience and necessity authorizing Applicant to continue to render service previously authorized by the Commission under certificates of public convenience and necessity heretofore issued to Odessa Natural Gasoline Company, predecessor in interest to Odessa Natural Corporation ("Odessa") at Docket No. C167-343-000 and to Odessa Natural Corporation ("Odessa") at Docket No. C176-435-001. Applicant is also requesting redesignation of FERC Gas Rate Schedule No. 9 in Docket No. C167-343-000 by Odessa Natural Gasoline Company ("Odessa") and FERC Gas Rate Schedule No. 12 in Docket No. C176-453-001 by Odessa Natural Corporation ("Odessa") on file with the Commission as the Rate Schedules of El Paso Exploration Company.

By Articles of Amendment to the Articles of Incorporation of Odessa Natural Corporation, dated December 19, 1980, the name of Odessa was changed to El Paso Exploration Company, effective January 1, 1981.

The properties of Odessa subject to the instant certificates were conveyed to Applicant by instruments of assignments executed on various dates in 1981, all to be effective January 1, 1981.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applications to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-15974 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-324-000]

**Michigan Wisconsin Pipe Line Co.; Application**

June 8, 1982.

Take notice that on May 13, 1982, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226 (Applicant), filed in Docket No. CP82-324-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that pursuant to a gas sale agreement between Natural and Central Louisiana Electric Company, Inc. (CLECO), dated June 3, 1981, as amended, Natural agreed to sell to CLECO 37,000,000 Mcf of natural gas during an initial term of 363 days commencing on the date of first deliveries. Applicant states that the parties expect the maximum daily delivery volumes would not exceed 100 billion Btu of natural gas per day. Applicant further states that Natural would cause the transportation and delivery of the gas through Louisiana Intrastate Gas Corporation's (LIG) pipeline system.

It is asserted that to effectuate the arrangement, Natural has requested

Applicant to assist it by displacing certain quantities of gas between the pipeline systems of Natural and LIG. Pursuant to an agreement dated March 30, 1982, Applicant has agreed to take deliveries of gas from Natural at an existing interconnection between the pipelines systems of Natural and Applicant located in Will County, Illinois, an existing interconnection between the pipeline systems of Natural and Applicant located in McHenry County, Illinois, or such other locations as the parties may mutually agree upon, it is stated.

Applicant states that it has agreed to redeliver thermally equivalent quantities of gas to LIG for the account of Natural at a point of interconnection between the pipeline systems of Applicant and LIG located in St. Mary Parish, Louisiana, the tailgate of Exxon Corporation's Garden City Plant located in St. Mary Parish, Louisiana, where Applicant would cause the plant operator to make deliveries of gas to LIG, or at both of the above.

It is asserted that Applicant would charge Natural 1.0 cent for each million Btu redelivered to LIG for Natural's account. Applicant further asserts that the transportation service would be provided by it on a best efforts basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public



convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15975 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-330-000]

**Texas Eastern Transmission Corp.;  
Application**

June 8, 1982.

Take notice that on May 17, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-330-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated May 5, 1982, Applicant proposes to transport up to 15,363 dekatherms (dt) equivalent of natural gas per day, less quantities retained for applicable shrinkage, for Public Service from a point of interconnection in Colbert County, Alabama, from Public Service's supplier, Alabama Tennessee Natural Gas Company, to Union County, New Jersey, or other mutually agreeable existing points of delivery.

It is asserted that Public Service would pay Applicant the rate of 27.39 cents per dt equivalent under Applicant's Rate Schedule TS-1 but, if the volume of natural gas delivered when added to the quantities delivered to Public Service under Applicant's Rate Schedules TS-1, SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under all of Applicant's firm sales rate schedules, then Public Service would pay 31.68 cents per dt equivalent. Applicant further asserts that it would retain applicable shrinkage, which presently is 7.0 percent of all natural gas received for transportation from April 16 through November 15 of each year and 13.0 percent of all gas received for transportation from November 16

through April 15 of each year. Applicant proposes that the retention of revenues derived from the transportation service proposed herein shall be subject to Applicant's pending rate proceeding in Docket No. RP81-109-000.

It is asserted that the proposed service would enable Public Service to implement its purchase of natural gas and to help fulfill its need for a greater natural gas supply. Applicant further states that the service would be for a limited term commencing upon the date of initial delivery or sixty days after receipt of certificate authorization whichever occurs earlier and terminating on October 31, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15976 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-329-000]

**Texas Eastern Transmission Corp.;  
Application**

Take notice that on May 17, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-329-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated May 5, 1982, Applicant proposes to transport up to 40,000 dekatherms (dt) equivalent of natural gas per day, less quantities retained for applicable shrinkage, for Public Service from a point of interconnection in Giles County, Tennessee where gas would be received from Public Service's supplier, East Tennessee Natural Gas Company, to Union County, New Jersey, or other mutually agreeable existing points of delivery.

It is asserted that Public Service would pay Applicant the rate of 27.39 cents per dt equivalent under Applicant's Rate Schedule TS-1 but, if the volume of natural gas delivered when added to the quantities delivered to Public Service under Applicant's Rate Schedules TS-1, SS-II and other transportation agreements exceed the combined total curtailment of natural gas sales to Public Service under all of Applicant's firm sales rate schedules, then Public Service would pay 31.68 cents per dt equivalent. Applicant further asserts that it would retain applicable shrinkage, which presently is 7.0 percent of all natural gas received for transportation from April 16 through November 15 of each year and 13.0 percent of all gas received for transportation from November 16 through April 15 of each year. Applicant proposes that the retention of revenues derived from the transportation service proposed herein shall be subject to Applicant's pending rate proceeding in Docket No. RP81-109-000.

It is asserted that the proposed service would enable Public Service to implement its purchase of natural gas and to help fulfill its need for a greater natural gas supply. Applicant further states that the service would be for a limited term commencing upon the date of initial delivery or sixty days after receipt of certificate authorization



whichever occurs earlier and terminating on October 31, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15977 Filed 6-11-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-166-001]

#### Transcontinental Gas Pipe Line Corp.; Amendment

June 8, 1982.

Take notice that on May 19, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-166-001 pursuant to section 7(c) of the Natural Gas Act an amendment to its application filed on January 20, 1982, in Docket No. CP82-166-000 revising its request for

authorization to construct and operate certain pipeline and appurtenant facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it requested authority to construct and operate in the Eugene Island area, offshore Louisiana, (1) approximately 28.28 miles of 20-inch pipeline which would extend from a production platform in Block 10 to a subsea tie-in with Applicant's Southeast Louisiana Gathering System in Block 107, (2) approximately 0.38 mile of 16-inch pipeline which would extend from a production platform in Block 24 to a subsea tie-in with the above 20-inch pipeline in that Block and (3) approximately 0.89 mile of 6-inch pipeline which would extend from a production platform in Block 46 to a subsea tie-in with the above 20-inch pipeline in Block 45.

It is stated that because there are as yet no commitments to purchasers, nor has any prospective purchaser requested Applicant to transport the Block 24 natural gas, Applicant amends its application in order to delete its proposal to construct the 0.38 mile of 16-inch pipeline in Block 24. Applicant states that elimination of these facilities would reduce the estimated cost of the facilities shown in the application by an estimated \$2,849,840.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15979 Filed 6-11-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-321-000]

#### Transcontinental Gas Pipe Line Corp.; Application

June 8, 1982.

Take notice that on May 12, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-321-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Edison), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Con Edison has arranged to purchase natural gas from Pennsylvania Gas & Water Company (PG&W). It is asserted that PG&W would deliver up to 46,900 dekatherms (dt) equivalent of gas per day to Applicant at Applicant's and PG&W's point of interconnection, while Applicant would redeliver the subject gas to Con Edison at existing points of delivery, less retainage for compressor fuel and line loss make-up.

Applicant states that the proposed transportation service would begin on the date of initial deliveries and end of October 31, 1982, or on the expiration of the fuel shortage emergency period as defined in § 284.201(e) of the Commission's Regulations, whichever occurs first. The proposed transportation, it is explained, would be interruptible at Applicant's sole discretion and would be subordinate to Applicant's deliveries to Con Edison under Applicant's Rate Schedules CD, PS, LGA, and GSS. Con Edison initially would pay Applicant 7.0 cents per dt equivalent delivered with 0.7 percent retention for compressor fuel and line loss makeup, it is stated.

Applicant asserts that Con Edison would burn the gas directly to generate electricity and/or steam, which would displace normally used fuel oil. Applicant maintains that such transportation service would be conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a



protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15978 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI61-1265-002, et al.]

**Unicon Producing Co. (Successor to Supron Energy Corporation); Application To Amend Certificates of Public Convenience and Necessity, To Redesignate Rate Schedules, and to Redesignate Pending Proceedings**

June 7, 1982

Take notice that on May 20, 1982, Unicon Producing Company (Unicon) of One Riverway, Houston, Texas 77056, successor to Supron Energy Corporation (Supron), filed an application with the Commission in Docket Nos. CI61-1265-002, et al., to amend the certificates of public convenience and necessity issued under each of the proceedings listed in Exhibit A attached hereto by deleting

therefrom the name Supron Energy Corporation and substituting therein the name Unicon Producing Company, in such manner and to the end that Unicon shall thereafter succeed to and be possessed of all of Supron's rights, titles, interests and obligations heretofore had thereunder by Supron and to substitute Unicon for Supron as a party in any pending proceeding before the Commission.

On April 29, 1982 Supron Energy Corporation (Supron) was merged into Union Texas Exploration Corporation (UTEC) a subsidiary of Union Texas Petroleum Corporation. Following such merger which took place as a result of a certain Merger and Stock Acquisition Agreement dated February 10, 1982, UTEC owned 100% of the assets of Supron. On April 29, 1982 UTEC, along with Exploration Finance Company, formed Unicon Producing Company (Unicon), a Texas general partnership and conveyed to Unicon substantially all of the producing properties formerly owned by Supron.

Following these transactions, Unicon Producing Company now holds all rights, titles interests and obligations formerly held by Supron Energy Corporation in and to those certain gas sales and purchase contracts which are identified by certain docket and rate schedule on Exhibit A.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the

Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission of its own review of the matter believes that a grant of the certificates of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

**EXHIBIT A.—UNICON PRODUCING CO.; SUCCESSION, CERTIFICATE OF ADOPTION AND REDESIGNATION OF RATE SCHEDULES**

Supron Energy Corp. FERC Gas Rate Schedule No. <sup>1</sup>	Certificate Docket No.	Purchaser
1	CI61-1265-002	El Paso Natural Gas Co.
2	CI61-1265	Do.
3	CI61-1265	Southern Union Gathering Co.
5	CI61-1267	El Paso Natural Gas Co.
6	CI61-1265	Southern Union Gathering Co.
7	CI61-1268	El Paso Natural Gas Co.
8	CI61-1266	Do.
10	CI64-282	Do.
11	CI64-935	Michigan Wisconsin PipeLine Co.
12	CI65-26	Champlin Petroleum Co.
13	CI65-263	Northern Natural Gas Co.
14	CI65-472	Michigan Wisconsin PipeLine Co.
15	CI65-767	El Paso Natural Gas Co.
16	CI65-846	Do.
17 <sup>2</sup>	CI66-403	Arkansas Louisiana Gas Co.
18	CI66-772	Do.
19	CI66-1003	Michigan Wisconsin PipeLine Co.
20	CI66-1346	Do.
21	CI67-304	Southern Union Gathering Co.
22	CI67-195	El Paso Natural Gas Co.
24	CI68-679	Do.
25	CI68-1107	Western Gas Interstate Co.
26 <sup>3</sup>	CI69-1163	Arkansas Louisiana Gas Co.
32	CI73-605	Do.
33	CI65-767	Northwest Pipeline Corp.
34	CI75-136	Arkansas Louisiana Gas Co.
35	CI77-314	El Paso Natural Gas Co.
36	CI77-536	Southern Union Gathering Co.
37	CI61-1265	Northwest Pipeline Corp. <sup>3</sup>
38	CI78-398	Transcontinental Gas PipeLine Corp.
59	CI79-32	Arkansas Louisiana Gas Co.

<sup>1</sup>In order to maintain continuity of the acquired records, Unicon hereby requests that its rate schedules be assigned the same rate schedule numbers as the Supron rate schedules which they will replace.

<sup>2</sup>(Operator), et al.

<sup>3</sup>Originally a sale to El Paso Natural Gas Company before divestiture to Northwest.

[FR Doc. 82-15980 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M



[Volume 661]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 7, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROC	PURCHASER
8232242	502581	1619545540	103	05/13/82	BALLARD & J WEDDINGTON #8-092931	EASTERN KENTUCKY GAS	14.0	COLUMBIA GAS TRAN
8232243	502586	1619545540	107-DV	05/13/82	BALLARD & J WEDDINGTON #8-092931	EASTERN KENTUCKY GAS	14.0	COLUMBIA GAS TRAN
8232244	502579	1619545532	103	05/13/82	BALLARD & JOHN WEDDINGTON #9	EASTERN KENTUCKY GAS	16.0	COLUMBIA GAS TRAN
8232241	502580	1619545530	107-DV	05/13/82	BALLARD & J WEDDINGTON #9-092941	EASTERN KENTUCKY GAS	16.0	COLUMBIA GAS TRAN
8232245	504349	1619544203	107-DV	05/13/82	JOHN FORD HEIRS #5 - 092311	EASTERN KENTUCKY GAS	20.0	COLUMBIA GAS TRAN
8232244	502587	1619544203	103	05/13/82	JOHN FORD HEIRS #5 - 093211	EASTERN KENTUCKY GAS	20.0	COLUMBIA GAS TRAN
LOUISIANA OFFICE OF CONSERVATION								
8232419	81-893	1700120963	102-4	05/13/82	ARISTIDE RICHARD #1	SOUTH LEWISBURG	270.0	TEXAS GAS TRANSMI
8232279	82-1809	1711100000	108	05/13/82	MLGC FEE GAS #0251	MONROE GAS FIELD	35.7	MID LOUISIANA GAS
8232401	82-1965	1711100000	108	05/13/82	MLGC FEE GAS #105	MONROE GAS FIELD	25.4	MID LOUISIANA GAS
8232397	82-1906	1711100000	108	05/13/82	MLGC FEE GAS #121	MONROE GAS FIELD	48.0	MID LOUISIANA GAS
8232445	82-1863	1711100000	108	05/13/82	MLGC FEE GAS #128	MONROE GAS FIELD	173.3	MID LOUISIANA GAS
8232428	82-1864	1711100000	108	05/13/82	MLGC FEE GAS #135	MONROE GAS FIELD	50.4	MID LOUISIANA GAS
8232444	82-1862	1711100000	108	05/13/82	MLGC FEE GAS #153	MONROE GAS FIELD	53.4	MID LOUISIANA GAS
8232443	82-1861	1711100000	108	05/13/82	MLGC FEE GAS #166	MONROE GAS FIELD	61.1	MID LOUISIANA GAS
8232298	82-1825	1711100000	108	05/13/82	MLGC FEE GAS #189	MONROE GAS FIELD	81.6	MID LOUISIANA GAS
8232433	82-1826	1711100000	108	05/13/82	MLGC FEE GAS #191	MONROE GAS FIELD	98.2	MID LOUISIANA GAS
8232434	82-1827	1711100000	108	05/13/82	MLGC FEE GAS #192	MONROE GAS FIELD	97.9	MID LOUISIANA GAS
8232435	82-1828	1711100000	108	05/13/82	MLGC FEE GAS #193	MONROE GAS FIELD	65.6	MID LOUISIANA GAS
8232404	82-1829	1711100000	108	05/13/82	MLGC FEE GAS #194	MONROE GAS FIELD	76.3	MID LOUISIANA GAS
8232442	82-1860	1711100000	108	05/13/82	MLGC FEE GAS #196	MONROE GAS FIELD	63.0	MID LOUISIANA GAS
8232320	82-1820	1711100000	108	05/13/82	MLGC FEE GAS #197	MONROE GAS FIELD	50.7	MID LOUISIANA GAS
8232321	82-1821	1711100000	108	05/13/82	MLGC FEE GAS #198	MONROE GAS FIELD	65.1	MID LOUISIANA GAS
8232248	82-1822	1711100000	108	05/13/82	MLGC FEE GAS #199	MONROE GAS FIELD	61.8	MID LOUISIANA GAS
8232246	82-1823	1711100000	108	05/13/82	MLGC FEE GAS #201	MONROE GAS FIELD	31.7	MID LOUISIANA GAS
8232296	82-1824	1711100000	108	05/13/82	MLGC FEE GAS #202	MONROE GAS FIELD	116.0	MID LOUISIANA GAS
8232423	82-1835	1711100000	108	05/13/82	MLGC FEE GAS #203	MONROE GAS FIELD	88.3	MID LOUISIANA GAS
8232424	82-1836	1711100000	108	05/13/82	MLGC FEE GAS #204	MONROE GAS FIELD	56.9	MID LOUISIANA GAS
8232425	82-1837	1711100000	108	05/13/82	MLGC FEE GAS #205	MONROE GAS FIELD	77.7	MID LOUISIANA GAS
8232391	82-1903	1711100000	108	05/13/82	MLGC FEE GAS #207	MONROE GAS FIELD	142.2	MID LOUISIANA GAS
8232426	82-1838	1711100000	108	05/13/82	MLGC FEE GAS #208	MONROE GAS FIELD	159.7	MID LOUISIANA GAS
8232402	82-1904	1711100000	108	05/13/82	MLGC FEE GAS #209	MONROE GAS FIELD	92.3	MID LOUISIANA GAS
8232427	82-1839	1711100000	108	05/13/82	MLGC FEE GAS #211	MONROE GAS FIELD	35.6	MID LOUISIANA GAS
8232353	82-1810	1711100000	108	05/13/82	MLGC FEE GAS #212	MONROE GAS FIELD	113.4	MID LOUISIANA GAS
8232351	82-1811	1711100000	108	05/13/82	MLGC FEE GAS #213	MONROE GAS FIELD	99.2	MID LOUISIANA GAS
8232390	82-1982	1711100000	108	05/13/82	MLGC FEE GAS #214	MONROE GAS FIELD	126.8	MID LOUISIANA GAS



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE



## AGRICULTURAL PRODUCTS ACCEPTANCE CERTIFICATE

This certificate is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the statement therein contained. (*This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture.*)

[illegible]

Code	Total Other Expenses
Replaces Forms LMGS-5.3 (4-83) and LMGS-5.1 (5-83), which are obsolete.	

BILLING CODE 3410-02-C



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8232440	82-1858	1711100000	108		MLGC FEE GAS #429	MONROE GAS FIELD	121.0	MID LOUISIANA GAS
8232311	82-1969	1711100000	108		MLGC FEE GAS #430	MONROE GAS FIELD	85.1	MID LOUISIANA GAS
8232310	82-1970	1711100000	108		MLGC FEE GAS #433	MONROE GAS FIELD	79.9	MID LOUISIANA GAS
8232439	82-1857	1711100000	108		MLGC FEE GAS #434	MONROE GAS FIELD	50.0	MID LOUISIANA GAS
8232309	82-1971	1711100000	108		MLGC FEE GAS #435	MONROE GAS FIELD	81.7	MID LOUISIANA GAS
8232308	82-1972	1711100000	108		MLGC FEE GAS #436	MONROE GAS FIELD	82.6	MID LOUISIANA GAS
8232332	82-1973	1711100000	108		MLGC FEE GAS #438	MONROE GAS FIELD	97.3	MID LOUISIANA GAS
8232438	82-1856	1711100000	108		MLGC FEE GAS #439	MONROE GAS FIELD	141.4	MID LOUISIANA GAS
8232331	82-1974	1711100000	108		MLGC FEE GAS #440	MONROE GAS FIELD	136.9	MID LOUISIANA GAS
8232261	82-1945	1711100000	108		MLGC FEE GAS #441	MONROE GAS FIELD	100.4	MID LOUISIANA GAS
8232262	82-1946	1711100000	108		MLGC FEE GAS #443	MONROE GAS FIELD	40.3	MID LOUISIANA GAS
8232263	82-1947	1711100000	108		MLGC FEE GAS #444	MONROE GAS FIELD	147.2	MID LOUISIANA GAS
8232362	82-1948	1711100000	108		MLGC FEE GAS #445	MONROE GAS FIELD	30.1	MID LOUISIANA GAS
8232264	82-1949	1711100000	108		MLGC FEE GAS #446	MONROE GAS FIELD	64.5	MID LOUISIANA GAS
8232303	82-1940	1711100000	108		MLGC FEE GAS #447	MONROE GAS FIELD	46.7	MID LOUISIANA GAS
8232302	82-1941	1711100000	108		MLGC FEE GAS #448	MONROE GAS FIELD	83.7	MID LOUISIANA GAS
8232301	82-1942	1711100000	108		MLGC FEE GAS #449	MONROE GAS FIELD	93.6	MID LOUISIANA GAS
8232437	82-1855	1711100000	108		MLGC FEE GAS #450	MONROE GAS FIELD	54.0	MID LOUISIANA GAS
8232259	82-1943	1711100000	108		MLGC FEE GAS #451	MONROE GAS FIELD	63.8	MID LOUISIANA GAS
8232260	82-1944	1711100000	108		MLGC FEE GAS #454	MONROE GAS FIELD	102.5	MID LOUISIANA GAS
8232363	82-1985	1711100000	108		MLGC FEE GAS #456	MONROE GAS FIELD	102.0	MID LOUISIANA GAS
8232367	82-1870	1711100000	108		MLGC FEE GAS #456	MONROE GAS FIELD	88.9	MID LOUISIANA GAS
8232267	82-1986	1711100000	108		MLGC FEE GAS #457	MONROE GAS FIELD	62.4	MID LOUISIANA GAS
8232266	82-1987	1711100000	108		MLGC FEE GAS #458	MONROE GAS FIELD	72.9	MID LOUISIANA GAS
8232265	82-1988	1711100000	108		MLGC FEE GAS #459	MONROE GAS FIELD	51.5	MID LOUISIANA GAS
8232355	82-1989	1711100000	108		MLGC FEE GAS #460	MONROE GAS FIELD	73.0	MID LOUISIANA GAS
8232354	82-1990	1711100000	108		MLGC FEE GAS #461	MONROE GAS FIELD	70.0	MID LOUISIANA GAS
8232361	82-1991	1711100000	108		MLGC FEE GAS #463	MONROE GAS FIELD	80.4	MID LOUISIANA GAS
8232366	82-1871	1711100000	108		MLGC FEE GAS #464	MONROE GAS FIELD	64.3	MID LOUISIANA GAS
8232330	82-1992	1711100000	108		MLGC FEE GAS #465	MONROE GAS FIELD	148.6	MID LOUISIANA GAS
8232365	82-1872	1711100000	108		MLGC FEE GAS #468	MONROE GAS FIELD	68.6	MID LOUISIANA GAS
8232334	82-1993	1711100000	108		MLGC FEE GAS #469	MONROE GAS FIELD	61.1	MID LOUISIANA GAS
8232333	82-1994	1711100000	108		MLGC FEE GAS #470	MONROE GAS FIELD	144.9	MID LOUISIANA GAS
8232256	82-1980	1711100000	108		MLGC FEE GAS #471	MONROE GAS FIELD	63.7	MID LOUISIANA GAS
8232257	82-1981	1711100000	108		MLGC FEE GAS #473	MONROE GAS FIELD	59.9	MID LOUISIANA GAS
8232371	82-1873	1711100000	108		MLGC FEE GAS #475	MONROE GAS FIELD	60.8	MID LOUISIANA GAS
8232258	82-1982	1711100000	108		MLGC FEE GAS #476	MONROE GAS FIELD	103.3	MID LOUISIANA GAS
8232326	82-1983	1711100000	108		MLGC FEE GAS #477	MONROE GAS FIELD	54.9	MID LOUISIANA GAS
8232305	82-1984	1711100000	108		MLGC FEE GAS #479	MONROE GAS FIELD	62.5	MID LOUISIANA GAS
8232399	82-1930	1711100000	108		MLGC FEE GAS #480	MONROE GAS FIELD	62.1	MID LOUISIANA GAS
8232400	82-1931	1711100000	108		MLGC FEE GAS #481	MONROE GAS FIELD	104.9	MID LOUISIANA GAS
8232307	82-1932	1711100000	108		MLGC FEE GAS #482	MONROE GAS FIELD	138.5	MID LOUISIANA GAS
8232306	82-1933	1711100000	108		MLGC FEE GAS #483	MONROE GAS FIELD	133.9	MID LOUISIANA GAS
8232318	82-1934	1711100000	108		MLGC FEE GAS #484	MONROE GAS FIELD	54.3	MID LOUISIANA GAS
8232341	82-1960	1711100000	108		MLGC FEE GAS #485	MONROE GAS FIELD	67.1	MID LOUISIANA GAS
8232342	82-1961	1711100000	108		MLGC FEE GAS #486	MONROE GAS FIELD	95.2	MID LOUISIANA GAS
8232299	82-1962	1711100000	108		MLGC FEE GAS #487	MONROE GAS FIELD	108.8	MID LOUISIANA GAS
8232319	82-1963	1711100000	108		MLGC FEE GAS #488	MONROE GAS FIELD	69.8	MID LOUISIANA GAS
8232370	82-1874	1711100000	108		MLGC FEE GAS #489	MONROE GAS FIELD	62.1	MID LOUISIANA GAS
8232328	82-1964	1711100000	108		MLGC FEE GAS #490	MONROE GAS FIELD	58.0	MID LOUISIANA GAS
8232271	82-1975	1711100000	108		MLGC FEE GAS #493	MONROE GAS FIELD	30.9	MID LOUISIANA GAS
8232270	82-1976	1711100000	108		MLGC FEE GAS #495	MONROE GAS FIELD		
8232269	82-1977	1711100000	108		MLGC FEE GAS #496	MONROE GAS FIELD		



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JD NO	JA DKT	API NO	C SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232268	82-1978	1711100000	108	MLGC FEE GAS #497	MONROE GAS FIELD	65.9	MID LOUISIANA GAS	
8232255	82-1979	1711100000	108	MLGC FEE GAS #498	MONROE GAS FIELD	96.2	MID LOUISIANA GAS	
8232276	82-1950	1711100000	108	MLGC FEE GAS #503	MONROE GAS FIELD	90.0	MID LOUISIANA GAS	
8232275	82-1951	1711100000	108	MLGC FEE GAS #505	MONROE GAS FIELD	82.4	MID LOUISIANA GAS	
8232348	82-1952	1711100000	108	MLGC FEE GAS #506	MONROE GAS FIELD	140.2	MID LOUISIANA GAS	
8232347	82-1953	1711100000	108	MLGC FEE GAS #507	MONROE GAS FIELD	100.0	MID LOUISIANA GAS	
8232336	82-1954	1711100000	108	MLGC FEE GAS #508	MONROE GAS FIELD	87.6	MID LOUISIANA GAS	
8232317	82-1935	1711100000	108	MLGC FEE GAS #511	MONROE GAS FIELD	97.3	MID LOUISIANA GAS	
8232316	82-1936	1711100000	108	MLGC FEE GAS #512	MONROE GAS FIELD	139.1	MID LOUISIANA GAS	
8232315	82-1937	1711100000	108	MLGC FEE GAS #514	MONROE GAS FIELD	84.2	MID LOUISIANA GAS	
8232314	82-1936	1711100000	108	MLGC FEE GAS #515	MONROE GAS FIELD	52.2	MID LOUISIANA GAS	
8232304	82-1939	1711100000	108	MLGC FEE GAS #517	MONROE GAS FIELD	110.4	MID LOUISIANA GAS	
8232335	82-1955	1711100000	108	MLGC FEE GAS #519	MONROE GAS FIELD	120.0	MID LOUISIANA GAS	
8232337	82-1956	1711100000	108	MLGC FEE GAS #520	MONROE GAS FIELD	168.3	MID LOUISIANA GAS	
8232340	82-1957	1711100000	108	MLGC FEE GAS #521	MONROE GAS FIELD	167.4	MID LOUISIANA GAS	
8232339	82-1958	1711100000	108	MLGC FEE GAS #523	MONROE GAS FIELD	119.7	MID LOUISIANA GAS	
8232338	82-1959	1711100000	108	MLGC FEE GAS #524	MONROE GAS FIELD	184.5	MID LOUISIANA GAS	
8232376	82-1925	1711100000	108	MLGC FEE GAS #549	MONROE GAS FIELD	129.7	MID LOUISIANA GAS	
8232375	82-1926	1711100000	108	MLGC FEE GAS #552	MONROE GAS FIELD	53.6	MID LOUISIANA GAS	
8232374	82-1927	1711100000	108	MLGC FEE GAS #553	MONROE GAS FIELD	70.6	MID LOUISIANA GAS	
8232373	82-1928	1711100000	108	MLGC FEE GAS #554	MONROE GAS FIELD	107.8	MID LOUISIANA GAS	
8232398	82-1929	1711100000	108	MLGC FEE GAS #555	MONROE GAS FIELD	69.0	MID LOUISIANA GAS	
8232384	82-1801	1711100000	108	MLGC FEE GAS #561	MONROE GAS FIELD	104.4	MID LOUISIANA GAS	
8232385	82-1801	1711100000	108	MLGC FEE GAS #562	MONROE GAS FIELD	124.3	MID LOUISIANA GAS	
8232386	82-1802	1711100000	108	MLGC FEE GAS #563	MONROE GAS FIELD	158.2	MID LOUISIANA GAS	
8232383	82-1803	1711100000	108	MLGC FEE GAS #565	MONROE GAS FIELD	111.7	MID LOUISIANA GAS	
8232284	82-1804	1711100000	108	MLGC FEE GAS #568	MONROE GAS FIELD	153.4	MID LOUISIANA GAS	
8232312	82-1920	1711100000	108	MLGC FEE GAS #570	MONROE GAS FIELD	74.9	MID LOUISIANA GAS	
8232446	82-1888	1711100000	108	MLGC FEE GAS #571	MONROE GAS FIELD	34.6	MID LOUISIANA GAS	
8232412	82-1845	1711100000	108	MLGC FEE GAS #572	MONROE GAS FIELD	56.7	MID LOUISIANA GAS	
8232380	82-1921	1711100000	108	MLGC FEE GAS #574	MONROE GAS FIELD	81.6	MID LOUISIANA GAS	
8232379	82-1922	1711100000	108	MLGC FEE GAS #576	MONROE GAS FIELD	159.0	MID LOUISIANA GAS	
8232378	82-1923	1711100000	108	MLGC FEE GAS #577	MONROE GAS FIELD	95.8	MID LOUISIANA GAS	
8232377	82-1924	1711100000	108	MLGC FEE GAS #578	MONROE GAS FIELD	77.9	MID LOUISIANA GAS	
8232288	82-1915	1711100000	108	MLGC FEE GAS #579	MONROE GAS FIELD	139.9	MID LOUISIANA GAS	
8232413	82-1846	1711100000	108	MLGC FEE GAS #580	MONROE GAS FIELD	117.6	MID LOUISIANA GAS	
8232414	82-1847	1711100000	108	MLGC FEE GAS #581	MONROE GAS FIELD	63.0	MID LOUISIANA GAS	
8232287	82-1916	1711100000	108	MLGC FEE GAS #582	MONROE GAS FIELD	68.9	MID LOUISIANA GAS	
8232290	82-1917	1711100000	108	MLGC FEE GAS #583	MONROE GAS FIELD	41.7	MID LOUISIANA GAS	
8232289	82-1918	1711100000	108	MLGC FEE GAS #584	MONROE GAS FIELD	122.8	MID LOUISIANA GAS	
8232415	82-1848	1711100000	108	MLGC FEE GAS #588	MONROE GAS FIELD	71.1	MID LOUISIANA GAS	
8232313	82-1919	1711100000	108	MLGC FEE GAS #591	MONROE GAS FIELD	154.2	MID LOUISIANA GAS	
8232416	82-1849	1711100000	108	MLGC FEE GAS #592	MONROE GAS FIELD	56.7	MID LOUISIANA GAS	
8232393	82-1910	1711100000	108	MLGC FEE GAS #593	MONROE GAS FIELD	147.0	MID LOUISIANA GAS	
8232392	82-1911	1711100000	108	MLGC FEE GAS #595	MONROE GAS FIELD	104.5	MID LOUISIANA GAS	
8232372	82-1912	1711100000	108	MLGC FEE GAS #596	MONROE GAS FIELD	130.5	MID LOUISIANA GAS	
8232285	82-1913	1711100000	108	MLGC FEE GAS #601	MONROE GAS FIELD	76.5	MID LOUISIANA GAS	
8232286	82-1914	1711100000	108	MLGC FEE GAS #64	MONROE GAS FIELD	83.8	MID LOUISIANA GAS	
8232417	82-1850	1711100000	108	MLGC FEE GAS #65	MONROE GAS FIELD	154.4	MID LOUISIANA GAS	
8232447	82-1889	1711100000	108	MLGC FEE GAS #653	MONROE GAS FIELD	63.7	MID LOUISIANA GAS	
8232272	82-1887	1711100000	108	MLGC FEE GAS #654	MONROE GAS FIELD	64.2	MID LOUISIANA GAS	
8232430	82-1866	1711100000	108	MLGC FEE GAS #654	MONROE GAS FIELD	138.7	MID LOUISIANA GAS	
8232431	82-1867	1711100000	108	MLGC FEE GAS #654	MONROE GAS FIELD	138.5	MID LOUISIANA GAS	



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JD NO	JA DKT	API NO	C SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232432	82-1868	1711120234	108		MLGC FEE GAS #656	MONROE GAS FIELD	90.9	MID LOUISIANA GAS
8232368	82-1869	1711120235	108		MLGC FEE GAS #657	MONROE GAS FIELD	96.6	MID LOUISIANA GAS
8232429	82-1865	1711120236	108		MLGC FEE GAS #658	MONROE GAS FIELD	105.9	MID LOUISIANA GAS
8232418	82-1851	1711120237	108		MLGC FEE GAS #659	MONROE GAS FIELD	97.9	MID LOUISIANA GAS
8232456	82-1852	1711120239	108		MLGC FEE GAS #661	MONROE GAS FIELD	184.0	MID LOUISIANA GAS
8232457	82-1853	1711120240	108		MLGC FEE GAS #662	MONROE GAS FIELD	136.4	MID LOUISIANA GAS
8232436	82-1854	1711120241	108		MLGC FEE GAS #663	MONROE GAS FIELD	88.7	MID LOUISIANA GAS
8232253	82-1886	1711100000	108		MLGC FEE GAS #67	MONROE GAS FIELD	33.7	MID LOUISIANA GAS
8232358	82-1880	1711121412	108		MLGC FEE GAS #673	MONROE GAS FIELD	196.0	MID LOUISIANA GAS
8232254	82-1885	1711100000	108		MLGC FEE GAS #68	MONROE GAS FIELD	26.1	MID LOUISIANA GAS
8232388	82-1898	1711100000	108		MLGC FEE GAS #69	MONROE GAS FIELD	45.5	MID LOUISIANA GAS
8232357	82-1881	1711121475	108		MLGC FEE GAS #707	MONROE GAS FIELD	203.6	MID LOUISIANA GAS
8232381	82-1899	1711100000	108		MLGC FEE GAS #71	MONROE GAS FIELD	32.9	MID LOUISIANA GAS
8232356	82-1882	1711121536	108		MLGC FEE GAS #719	MONROE GAS FIELD	191.6	MID LOUISIANA GAS
8232455	82-1897	1711100000	108		MLGC FEE GAS #73	MONROE GAS FIELD	35.9	MID LOUISIANA GAS
8232454	82-1896	1711100000	108		MLGC FEE GAS #75	MONROE GAS FIELD	195.4	MID LOUISIANA GAS
8232453	82-1895	1711100000	108		MLGC FEE GAS #77	MONROE GAS FIELD	56.1	MID LOUISIANA GAS
8232251	82-1883	1711121832	108		MLGC FEE GAS #770	MONROE GAS FIELD	187.1	MID LOUISIANA GAS
8232252	82-1884	1711121835	108		MLGC FEE GAS #773	MONROE GAS FIELD	183.8	MID LOUISIANA GAS
8232395	82-1908	1711100000	108		MLGC FEE GAS #80	MONROE GAS FIELD	26.8	MID LOUISIANA GAS
8232394	82-1909	1711100000	108		MLGC FEE GAS #86	MONROE GAS FIELD	97.1	MID LOUISIANA GAS
8232396	82-1907	1711100000	108		MLGC FEE GAS #95	MONROE GAS FIELD	39.5	MID LOUISIANA GAS
8232327	82-1965	1711100000	108		MLGC FEE GAS CO #424	MONROE GAS FIELD	108.8	MID LOUISIANA GAS
-SOUTHPORT EXPLORATION INC								
8232403	81-2575	1710922373	103		CONTINENTAL LAND & FUR #A-3	BAYOU COPASAM (BIGENE)	547.0	CHAMPION VALLEY F
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
*****								
-BOUNTY OIL & GAS INC								
8232196	2193	3101315956	107-TF	RECEIVED: 05/12/82	J.A. NY		0.0	NATIONAL FUEL GAS
*****								
-ENVIROGAS INC								
8232207	1898	3101315563	107-TF	RECEIVED: 05/12/82	J.A. NY			
8232202	2010	3101315565	107-TF	FREDERES #1		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232209	1896	3101315456	107-TF	C LATTA #1		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232201	2022	3101315891	107-TF	C LEGTERS #1		WILDCAT	18.0	COLUMBIA GAS TRAN
8232199	2014	3101315814	107-TF	D BREADS #1		CLYMER	18.0	COLUMBIA GAS TRAN
8232193	1868	3101315775	107-TF	D HAYES #1		STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232212	1900	3101315344	107-TF	D LIMBERG #1		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232223	1847	3101315510	107-TF	E GODARD #2		STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232195	2026	3101315905	107-TF	E MARTI #2		CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8232228	1857	3101314653	107-TF	G HEWES #1		FRENCH CREEK	18.0	COLUMBIA GAS TRAN
8232229	1856	3101314655	107-TF	G HEWES #3		STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232194	2024	3101314775	107-TF	H COLEMAN #1		STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232239	1863	3101314776	107-TF	H COLEMAN #2		CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8232237	1869	3101315453	107-TF	H GIBBS #1		STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232232	1861	3101315454	107-TF	H GIBBS #2		CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8232230	1860	3101315455	107-TF	H GIBBS #3		CHAUTAUQUA	18.0	COLUMBIA GAS TRAN
8232213	1899	3101315298	107-TF	H KEOPKA #2		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232204	1895	3101315221	107-TF	H KEOPKA #3		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232208	1897	3101315209	107-TF	H KEOPKA #4		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232206	1893	3101315300	107-TF	H KEOPKA #5		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232233	1865	3101315397	107-TF	J ALDAY #1		SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232235	1867	3101315452	107-TF	J ALDAY #2		SUMMERDALE	18.0	COLUMBIA GAS TRAN



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232203	1891	3101315202	107-TF		L KERSHAW #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232238	1892	3101315201	107-TF		L KERSHAW #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232210	1902	3101315008	107-TF		L NICKERSON #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232215	1903	3101315007	107-TF		L NICKERSON #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232218	1905	3101315002	107-TF		L NICKERSON #3	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232217	1906	3101315006	107-TF		L NICKERSON #4	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232216	1907	3101315005	107-TF		L NICKERSON #5	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232221	1908	3101315085	107-TF		L NICKERSON #6A	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232214	1870	3101315812	107-TF		M CRANDALL #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232220	1845	3101315587	107-TF		N REED #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232200	2016	3101315936	107-TF		NYS REFORESTATION AREA #3-#4	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232198	2012	3101315937	107-TF		NYS REFORESTATION AREA #3-#5	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232236	1866	3101315642	107-TF		R DAVIS #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232231	1858	3101315182	107-TF		R GEER #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232197	1859	3101315183	107-TF		R GEER #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232226	1855	3101315334	107-TF		R HEWES #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232227	1854	3101315335	107-TF		R HEWES #2	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232224	1853	3101315336	107-TF		R HEWES #3	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8232205	1894	3101315446	107-TF		R KUKLA #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
8232219	1904	3101315223	107-TF		R MONCKTON #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232225	1852	3101315314	107-TF		R P HEWES #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232222	1851	3101315315	107-TF		R P HEWES #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232234	1864	3101315316	107-TF		R P HEWES #3	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8232211	1901	3101314617	107-TF		WM MCCREARY #1	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-C



The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 29, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 mile rule)  
102-3: New well (1000 ft rule)  
102-4: New onshore reservoir

102-5: New reservoir on old OCS lease  
Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressured brine  
107-CS: Coal seams  
107-DV: Devonian shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-15961 Filed 6-11-82; 8:45 am]

**BILLING CODE 6717-01-M**



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## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 7, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROC	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES								
*****								
BROWN PETROLEUM CORP								
81485068		3403124085	D	107-TF	RECEIVED: 09/04/81	JA: OH		
*****								
COLLINS-MCGREGOR OPERATING COMPANY								
82267898		3408924231	D	107-TF	RECEIVED: 04/08/82	JA: OH		
*****								
HOPCO RESOURCES INC								
8223307A		3412725205		103	RECEIVED: 03/16/82	JA: OH		
*****								
RIMCO OPERATING INC								
8223378A		3416923364		103	RECEIVED: 03/16/82	JA: OH		
*****								
VIKING RESOURCES CORP								
82234248		3415123574	D	107-TF	RECEIVED: 03/16/82	JA: OH		
*****								
OKLAHOMA CORPORATION COMMISSION								
*****								
ANADARKO PRODUCTION COMPANY								
81448538	11875	350721874		103	RECEIVED: 08/05/81	JA: OK		
*****								
TEXAS RAILROAD COMMISSION								
*****								
ABRAXAS PETROLEUM CORP								
8232630	F-04-045647	4224931366		102-4	RECEIVED: 05/13/82	JA: TX		
*****								
AKERS AND FULTZ INC								
8232807	F-09-050403	4223734093		103	RECEIVED: 05/13/82	JA: TX		
*****								
AMOCO PRODUCTION CO								
8232682	F-10-048416	4239300000		108	RECEIVED: 05/13/82	JA: TX		
*****								
ANADARKO PRODUCTION COMPANY								
8232716	F-7C-049599	4213730184		108	RECEIVED: 05/13/82	JA: TX		
*****								
ANADARKO PRODUCTION COMPANY								
8232687	F-10-048814	4221131373		103	RECEIVED: 05/13/82	JA: TX		
*****								
ANDERSON PETROLEUM INC								
8232710	F-7C-049418	4243532381		107-TF	RECEIVED: 05/13/82	JA: TX		
*****								
ARCO OIL AND GAS COMPANY								
8232637	F-7C-045974	4223531788		103	RECEIVED: 05/13/82	JA: TX		
*****								
BLACK JACK PETROLEUM								
8232738	F-08-050227	4213533779		103	RECEIVED: 05/13/82	JA: TX		
*****								
BLACK JACK PETROLEUM								
8232737	F-08-050225	4213533781		103	RECEIVED: 05/13/82	JA: TX		
*****								
BENNETT PRODUCTION CORP								
8232595	F-02-042936	4229732686		102-4	RECEIVED: 05/13/82	JA: TX		
*****								
BLACK JACK PETROLEUM								
8232607	F-09-044046	4233700000		103	RECEIVED: 05/13/82	JA: TX		
*****								
BLAIR ENERGY JOINT VENTURE								
8232546	F-03-038733	4208931205		103	RECEIVED: 05/13/82	JA: TX		
*****								
BLAIR ENERGY JOINT VENTURE								
8232663	F-08-047396	4231732417		103	RECEIVED: 05/13/82	JA: TX		
*****								
BLOCKER EXPLORATION CO								
*****								
BEDFORD								
*****								
HOPEWELL								
*****								
GLENFORD								
*****								
MOHICAN								
*****								
OSNABURG								
*****								
MOCAN								
*****								
REYNOLDS N (FRIO 4700								
*****								
MARINA MAG (CONGLOMER								
*****								
LIPS (MORROW)								
*****								
SAWYER (CANYON)								
*****								
HEMPHILL GRANITE WASH								
*****								
SAWYER (CANYON)								
*****								
SPRABERRY (TREND AREA								
*****								
GOLDSMITH (SAN ANDRES								
*****								
GOLDSMITH (SAN ANDRES								
*****								
TOM LYNNE N (WILCOX 1								
*****								
MPS ELLENBURGER								
*****								
WILDCAT								
*****								
SPRAYBERRY								
*****								



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JD NO	JA CRT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232649	F-05-046623	4229330565	102-4	107-TF	FLOYD A LOWRY #1		548.0	TEXAS UTILITIES F
-BLUESKY OIL & GAS INC			RECEIVED:	05/13/82	JA: TX			
8232645	F-03-046381	4205131353	102-2		GERDES "A" UNIT #1			0.0 FERGUSON CROSSING
8232643	F-03-046349	4205131337	102-2		KIEL "A" UNIT #1			0.0 FERGUSON CROSSING
-BOB WALLACE OIL INC			RECEIVED:	05/13/82	JA: TX			
8232852	F-10-050515	4205531091	103		HAYS TRUST (04938) #6-7			9.0 CABOT PIPELINE CO
8232788	F-10-050335	4205531095	103		HAYS TRUST (04938) #7-7			12.0 CABOT PIPELINE CO
8232787	F-10-050332	4205531096	103		HAYS TRUST (04938) #8-7			71.0 CABOT PIPELINE CO
-BRACOS PETROLEUM CO			RECEIVED:	05/13/82	JA: TX			
8232594	F-08-042849	4237133207	103		JEFF #1			20.0 DELMI GAS PIPELIN
-BROCK PETROLEUM CORP			RECEIVED:	05/13/82	JA: TX			
8232680	F-01-046374	4217700000	102-2		BOOTHIE UNIT #1			35.0
-C L GAGE JR			RECEIVED:	05/13/82	JA: TX			
8232557	F-78-040755	4236300000	103		PUTMAN #1			65.3 SOUTHWESTERN GAS
-CALDWELL OIL CO			RECEIVED:	05/13/82	JA: TX			
8232756	F-10-050266	4206530972	103		CALDWELL #1 (10#05020)			90.0 GETTY OIL CO
-CARWAY OPERATING CO			RECEIVED:	05/13/82	JA: TX			
8232633	F-7C-045790	4241330983	103		MRS A B THOMERSON #2 (082222)			65.0 ARCO OIL & GAS
-CARTER ENERGY CORP			RECEIVED:	05/13/82	JA: TX			
8232671	F-09-047876	4249732233	103		OATES #2-C			75.0 NATURAL GAS PIPEL
-CARTER EXPLORATION CO			RECEIVED:	05/13/82	JA: TX			
8232692	F-02-048993	4202531706	103		J G ROUNTREE #3			100.0 HOUSTON PIPE LINE
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	05/13/82	JA: TX			
8232529	F-04-031784	4235531649	103		G P WARDNER #151			0.0 TENNESSEE GAS PIP
8232843	F-06-050472	4236500000	108		P J MCNEE #1			6.4 TENNESSEE GAS PIP
8232844	F-78-050473	4235300000	108		TXL "B" #1			6.7 ANOCO PRODUCTION
-CHEVRON U S A INC			RECEIVED:	05/13/82	JA: TX			
8232794	F-8A-050366	4241532071	103		SACROC UNIT #69-6			24.0 EL PASO NATURAL G
-CLAYTON W WILLIAMS JR			RECEIVED:	05/13/82	JA: TX			
8232644	F-03-046366	4205100000	102-2		JOSEPH MATCEK UNIT #1			0.0 VALERO TRANSMISSI
8232664	F-03-047412	4205100000	102-2		MARY GOLD "A" #1			0.0 VALERO TRANSMISSI
8232555	F-03-040462	4205100000	102-2		RUST-HOUDEK UNIT A-1			0.0 VALERO TRANSMISSI
-CLOVER ENERGY CORP			RECEIVED:	05/13/82	JA: TX			
8232652	F-02-046741	4228531627	102-4		DOPS LAUF #1 I D NO 96920			0.0 TEXAS EASTERN TRA
-CONOCO INC			RECEIVED:	05/13/82	JA: TX			
8232845	F-02-038460	4212300000	108-ER		ROYCE C WOOD #1			20.0 UNITED GAS PIPELI
8232605	F-04-043877	4242780000	108-ER		T B SLICK EST A-221 #153			0.0 TENNESSEE GAS PIP
-CORDOVA RESOURCES INC			RECEIVED:	05/13/82	JA: TX			
8232622	F-78-044502	4213332966	103	108	MARRIS FISHER #5			4.0 ODESSA NATURAL GA
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED:	05/13/82	JA: TX			
8232636	F-04-045938	4260330127	102-4		STATE TRACT 835-S WELL #1			0.0 CHANNEL INDUSTRIE
-CPC EXPLORATION INC			RECEIVED:	05/13/82	JA: TX			
8232587	F-03-042685	4228730706	102-2		O B JOHNSON LEASE AO 13272			100.0 PHILLIPS PETROLEU
-CROMEENS PETROLEUM INC			RECEIVED:	05/13/82	JA: TX			
8232617	F-78-044274	4223734027	102-4		WALSELL #1			343.1 SOUTHWESTERN GAS
-CROWN CENTRAL PETROLEUM CORP			RECEIVED:	05/13/82	JA: TX			
8232845	F-08-050474	4213553171	103		COMDEN #11			9.0 PHILLIPS PETROLEU
-D & G GAS & OIL CO			RECEIVED:	05/13/82	JA: TX			
8232576	F-01-042018	4212732235	102-4		STUMBERG #76-1			54.0 VALERO TRANSMISSI
-D E RADTKE & ASSOCIATES INC			RECEIVED:	05/13/82	JA: TX			
8232821	F-8A-050427	4207931133	103		SNODGRASS #1			3.7 CITIES SERVICE CO
8232820	F-8A-050426	4207931135	103		SNODGRASS #2			3.7 CITIES SERVICE CO
8232819	F-8A-050425	4207931136	103		SNODGRASS #3			3.7 CITIES SERVICE CO



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232824	F-8A-050430	4207931134	103		STCLAIR #1	LEVELLAND	3.7	CITIES SERVICE CO
8232823	F-8A-050429	4207931273	103		STCLAIR #2	LEVELLAND	3.7	CITIES SERVICE CO
8232822	F-8A-050428	4217931274	103		STCLAIR #3	LEVELLAND	3.7	CITIES SERVICE CO
-DALECO RESOURCES					05/13/82	CLAY N E (EDWARDS REE	0.0	CLAJON GAS CO
8232733	F-03-050220	4205100000	102-4		WILKINS #4			
-DAVIS OIL COMPANY					05/13/82	DEWEY LAKE (FUSSELLMAN	300.0	EL PASO NATURAL G
8232717	F-08-049637	4217331215	102-4		LOIS BLALOCK #2			
-DAWSON EXPLORATION INC					05/13/82	HILDEBRANDT BAYOU S E	0.0	UNITED TEXAS TRAN
8232667	F-03-047617	4224500000	102-4	103	LUCILLE DURAND #1			
-DELTA OIL & GAS CO					05/13/82	TULLOS (CADD00)	3.6	PETROLEUM CORP OF
8232849	F-7B-050499	4242900000	108		JULIUS GRAY RRC #85805	STEPHENS COUNTY REGUL	6.5	PETROLEUM CORP OF
8232761	F-7B-050275	4242900000	108		R M ROGERS ESTATE "F" RRC #76890			
-DIAMOND SHAHROCK CORPORATION					05/13/82	NORTHURP	0.0	
8232632	F-10-045770	4229531013	103		W C MERYDITH "D" #1-558			
-DON H HANVEY OIL INTERESTS INC					05/13/82	ADRIENNE (DUFFER)	107.0	ODESSA NATURAL CO
8232610	F-7B-044065	4213332883	102-4		HANVEY-CLOVER #1			
-DORCHESTER GAS PRODUCING CO					05/13/82	PANHANDLE WEST	219.0	NORTHERN NATURAL
8232679	F-13-048301	4217900000	103		KINNEY #2			
-EGAN-WILSON PETROLEUM INC					05/13/82	BALZER (2240)	91.0	VALLEY PIPE LINES
8232530	F-04-032783	4235500000	102-4		LEON BALZER UNIT #1-1			
-EL PASO NATURAL GAS COMPANY					05/13/82	CANADIAN SW (MORROW/U	1100.0	EL PASO NATURAL G
8232659	F-10-047227	4221131415	103		CAMPBELL #7			
-ENERGY RESERVES GROUP INC					05/13/82	AHACKER-TIPPETT (WOLF	7.2	EL PASO NATURAL G
8232828	F-7C-050436	4246131759	103		ROSA H BARNETT "E" #2			
-ENSERCH EXPLORATION INC					05/13/82	OPELIKA	797.0	LONE STAR GAS CO
8232677	F-05-048232	4221330309	103		C A PEACOCK #2	POTTSVILLE	42.0	LONE STAR GAS CO
8232647	F-7B-046522	4219300000	107-PE		T K REA #1	POTTSVILLE	0.0	LONE STAR GAS CO
8232646	F-7B-046492	4219300000	107-PE		W A HARWITZ #1			
-EVERGREEN OIL CORP					05/13/82	COST (AUSTIN CHALK)	4.7	TIPPERARY GATHERI
8232577	F-01-042021	4217730830	102-2	103	BARNETT #1			
-EXXON CORPORATION					05/13/82	SUGARLAND	91.2	UTTCO
8232837	F-03-050450	4215731196	103		BRAZOS FARMS #32			
8232836	F-03-050447	4215731197	103		BRAZOS FARMS #33			
8232835	F-03-050446	4215731215	103		C C NELSON #26			
8232707	F-08-049287	4200332968	103		FULLERTON CLEARFORK UNIT #2617			
*8232790	F-04-050351	4227331614	102-4		K R BORREGOS 569 (097770)	BORREGOS (ZONE P-5 NW	224.0	ARMCO STEEL CORP
*8232791	F-04-050385	4227331388	102-4		K R CANELO 40-D (097771)	CANELO (G-41)	511.0	ARMCO STEEL CORP
8232791	F-04-050353	4227331602	102-4		K R MORGAN M-74 (097872)	STRATTON (60709)	344.0	ARMCO STEEL CORP
8232760	F-04-050271	4204730949	103		MCGILL BROS 474 (96756)	KELSEY DEEP (ZONE 60-	60.0	TRUNKLINE GAS CO
8232757	F-04-050268	4204730964	103		MCGILL BROS 475 (96559)	KELSEY DEEP (ZONE 7-I	435.0	TRUNKLINE GAS CO
8232759	F-04-050270	4204731587	103		MCGILL BROS 480 (097622)	KELSEY SOUTH (7450)	66.0	TRUNKLINE GAS CO
8232806	F-08-043887	4200332797	103		MEANS/SAN ANDRES/UNIT 1160	MEANS	15.0	PHILLIPS PETROLEU
8232758	F-04-050269	4224730913	102-4		MRS A M K BASS 42-F (097090)	KELSEY DEEP (ZONE 18-	300.0	TRUNKLINE GAS CO
8232834	F-03-050445	4224531503	103		MRS SEAVILLOV PINCHBACK #16	AMELIA (FRIO 6)	14.6	HOUSTON PIPELINE
8232802	F-04-043419	4200730672	103		NINE MILE PT CONS #12 (950133)	NINE MILE POINT (CONS	391.0	NATURAL GAS PIPEL
8232830	F-08-050439	4237100000	108		REDMOND B #1	PECOS VALLEY (WOLFCAH	4.0	EL PASO NATURAL G
*8232691	F-03-048988	4214930607	102-3		T M COWAN #1	GIDDINGS (AUSTIN CHAL	2.0	ARMCO STEEL CORP
-FALCON PETROLEUM COMPANY					05/13/82	FALCON (MORROW UPPER)	438.0	PHILLIPS PETROLEU
8232626	F-10-044938	4235731165	102-4		ALPAR-MURPHY #1			
-FLAIR RESOURCES					05/13/82	COLEMAN COUNTY REGULA	16.0	LONE STAR GAS CO
8232769	F-7B-050287	4208331382	103		EARL DAVIS #A-1 (14309)	COLEMAN COUNTY REGULA	17.0	LONE STAR GAS CO
8232767	F-7B-050285	4208331247	103		EARL DAVIS #1 (13939)	COLEMAN COUNTY REGULA	35.0	LONE STAR GAS CO
8232768	F-7B-050286	4208300000	103		EARL DAVIS #2 (13939)			



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232765	F-78-050283	4206332035	102-4		H R M #1 (81512)	RHONDA ( MARBLE FALLS	336.0	LONE STAR GAS CO
8232766	F-78-050284	4236332110	102-4		H R M #2 (83013)	RHONDA ( MARBLE FALLS	33.0	LONE STAR GAS CO
8232774	F-78-050292	4208331659	103		JACK SHIELDS #1 (14905)	COLEMAN COUNTY REGULA	146.0	LONE STAR GAS CO
8232771	F-78-050289	4208331751	103		LUCY GRAY #1 (15265)	COLEMAN COUNTY REGULA	91.0	LONE STAR GAS CO
8232772	F-78-050290	4208331773	103		NATHAN PARKER #1 (15276)	COLEMAN COUNTY REGULA	58.0	LONE STAR GAS CO
8232770	F-78-050288	4208331702	103		OPAL GORMAN #1 (15633)	COLEMAN COUNTY REGULA	175.0	LONE STAR GAS CO
8232775	F-78-050293	4208300000	103		THOMAS L SOUTH #1 (13894)	COLEMAN COUNTY REGULA	195.0	LONE STAR GAS CO
8232776	F-78-050294	4208330008	103		THOMAS L SOUTH #2 (13894)	COLEMAN COUNTY REGULA	24.0	LONE STAR GAS CO
8232773	F-78-050291	4208331407	103		V R ROBERTSON #1 (14373)	COLEMAN COUNTY REGULA	7.0	LONE STAR GAS CO
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED:	05/13/82	JA: TX	ALPHA	0.0	
8232554	F-08-040231	4237133402	102-4		CRAWFORD #1	CAL (CANYON)	83.5	NORTHERN NATURAL
-FORTUNE PRODUCTION CO			RECEIVED:	05/13/82	JA: TX	GILMER	200.0	ARKANSAS LOUISIAN
8232848	F-7C-050495	4223531892	103		BAKER -B- #3	BRYAN (AUSTIN CHALK)	100.0	PRODUCERS GAS CO
-FROST OIL CO INC			RECEIVED:	05/13/82	JA: TX	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8232574	F-06-041933	4245900000	103		H J TRAMMELL GAS UNIT #2	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-GALAXY OIL COMPANY			RECEIVED:	05/13/82	JA: TX	S W CANADIAN	1.0	PIONEER NATURAL G
8232635	F-03-045846	4204130595	102-2		J M AKIN #1 (RR ID NOT ASSIGNED)	BOONSVILLE BEND CONGL	14.0	NATURAL GAS PIPEL
-GENERAL PRODUCTION CORP			RECEIVED:	05/13/82	JA: TX	PANHANDLE HUTCHINSON	10.0	PHILLIPS PETROLEU
8232653	F-03-046847	4205131550	103		HENRY SHEPARD UNIT #1	PANHANDLE HUTCHINSON	6.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY			RECEIVED:	05/13/82	JA: TX	PANHANDLE HUTCHINSON	6.0	PHILLIPS PETROLEU
8232639	F-03-046173	4205100000	102-2		O J SLOVACEK #1	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION			RECEIVED:	05/13/82	JA: TX	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
8232537	F-10-036104	4221132157	103		BILLIE JARVIS #2-220	WARD-ESTES NORTH	16.0	CABOT CORP
8232826	F-09-050433	4223700000	108		BILLIE JARVIS #2	WARD-ESTES NORTH	0.0	CABOT CORP
8232596	F-10-042943	4223331099	103		C L DIAL #279	WARD-ESTES NORTH	36.0	CABOT CORP
8232570	F-10-041299	4223331093	103		C L DIAL #283	WARD-ESTES NORTH	4.0	CABOT CORP
8232571	F-10-041300	4223331087	103		C L DIAL #284	WARD-ESTES NORTH	12.0	CABOT CORP
8232620	F-10-044359	4223331084	103		C L DIAL #285	RIGGS (CONGLOMERATE)	15.9	SOUTHWESTERN GAS
8232597	F-10-042944	4223331084	103		C L DIAL #287	KEYSTONE (HOLT)	68.0	CABOT CORP
8232629	F-10-045389	4223331095	103		C L DIAL #281	BOONSVILLE BEND CONGL	18.0	NATURAL GAS PIPEL
8232572	F-10-041301	4223331085	103		C L DIAL #286	WAMA WEST (ELLENBURGE	2.8	TRANSMITTEN PIPE
8232795	F-08-050380	4247532084	103		HUTCHINGS STOCK ASSN #1088	DUNE	3.3	
8232627	F-08-044942	4247532394	103		HUTCHINGS STOCK ASSN #1134	SAND HILLS (JUDKINS)	103.0	H & T GATHERING
8232809	F-08-050412	4247532438	103		HUTCHINGS STOCK ASSN #1152	SAND HILLS (JUDKINS)	88.0	H & T GATHERING
8232796	F-08-050382	4247532484	103		HUTCHINGS STOCK ASSN #1154	SAND HILLS (JUDKINS)	373.0	H & T GATHERING
8232728	F-08-049979	4247532511	103		HUTCHINGS STOCK ASSN #1156	SAND HILLS (JUDKINS)	376.0	H & T GATHERING
8232524	F-09-018017	4223700000	108		J C RIGGS #2	SAND HILLS (JUDKINS)	101.0	H & T GATHERING
8232642	F-08-046312	4249531418	103		KEYSTONE HOLT UNIT #3340	STARR-LITE (WILCOX A-	689.0	UNITED GAS PIPE L
8232827	F-09-050434	4223700000	108		NANCY WORTHINGTON #1	TOM (#8" CONGL)	0.0	PALO DURO PIPELIN
8232846	F-08-050475	4238910494	108		S E LIGON "A" #4	DAVIDSON RANCH (PENN	50.0	INTRATEX GAS CO
8232801	F-08-050392	4210332660	103		W N MADDELL #1152			
8232804	F-08-050395	4210332555	103		W N MADDELL #1179			
8232806	F-08-050397	4210332526	103		W N MADDELL #1181			
8232803	F-08-050394	4210332600	103		W N MADDELL #1191			
8232802	F-08-050393	4210332546	103		W N MADDELL #1193			
8232805	F-08-050396	4210332582	103		W N MADDELL ET AL #1192			
-GULFSTREAM PETROLEUM CORP			RECEIVED:	05/13/82	JA: TX			
8232688	F-03-048885	4208931204	102-4		RALPH S FULLER SR #1			
-GUNN OIL CO			RECEIVED:	05/13/82	JA: TX			
8232615	F-8A-044213	4226330933	102-4		J P RATLIFF JR #1			
-HARRISON INTERESTS LTD			RECEIVED:	05/13/82	JA: TX			
8232674	F-7C-048005	4210500000	107-1F		NO 5 JOE WYLIE MCMULLAN			
-HENRY ENERGY CORP			RECEIVED:	05/13/82	JA: TX			



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232699	F-09-049075	423700000	102-4		R E VOYLES #1	VOYLES (CADD0 UPPER)	15.0	SOUTHWESTERN GAS
8232704	F-78-049241	423670000	102-4		SHELLEY #1	SHELLEY (5200 MARBLE	109.0	SOUTHWESTERN GAS
-WILLIN PRODUCTION CO			RECEIVED:	05/13/82	JA: TX			
8232711	F-08-049436	4230130332	102-4	103	BORDER STATE #5 #1	WHEAT S (CHERRY CANYO	130.3	INTRATEX GAS CO
8232654	F-08-047071	4237133637	103		I R T #29 #4	PECOS VALLEY (YATES)	83.5	INTRATEX GAS CO
-HNG OIL COMPANY			RECEIVED:	05/13/82	JA: TX			
8232668	F-04-047680	4247933118	102-2	103	A V NORFLEET #2L	BIG COMBOY (WILCOX 62	234.0	HOUSTON PIPELINE
-HOME PETROLEUM CORPORATION			RECEIVED:	05/13/82	JA: TX			
8232541	F-06-037716	4245930484	103	107-TF	ARTHUR BINTON #1	GILMER (COTTON VALLEY	380.0	WESTERN GAS CORP
-HOU-TEX OIL & GAS CO			RECEIVED:	05/13/82	JA: TX			
8232562	F-01-041115	4202100000	107-TF		O R MITCHELL #1 -	PAIGE NE	182.0	PGP GAS PRODUCTS
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED:	05/13/82	JA: TX			
8232585	F-03-042508	4228730972	103		OTTO SAENGER #2	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-HOWELL DRILLING INC			RECEIVED:	05/13/82	JA: TX			
8232650	F-02-046670	4228500000	103	107-TF	HATHAWAY EDWARDS GAS UNIT #3	WORD N	0.0	VALERO TRANSMISSI
-HUFO OILS			RECEIVED:	05/13/82	JA: TX			
8232712	F-78-049508	4236332650	103		EMORY BIRDWELL #2 #79689	EMORY (LAKE)	0.0	SOUTHWESTERN GAS
-HUGHES & HUGHES			RECEIVED:	05/13/82	JA: TX			
8232648	F-04-046537	4235531928	102-4		BERNSEN-WELTY GAS UNIT #2	COTTON (8350)	110.0	FERGUSON CROSSING
-HUMBLE EXPLORATION CO INC			RECEIVED:	05/13/82	JA: TX			
8232535	F-03-036014	4214900000	102-4	103	ANGELIQUE MCLEAN #1 -	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8232534	F-03-036012	4228730802	102-2	103	CARRIE GANTT #1 -	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8232547	F-03-038983	4214930965	102-4	103	LUCILLE MILLER #1	GIDDINGS (AUSTIN CHAL	892.4	PHILLIPS PETROLEU
8232548	F-03-038984	4214930969	102-4	103	RANDY ULLRICH #1	GIDDINGS (AUSTIN CHAL	540.2	PHILLIPS PETROLEU
8232551	F-01-059356	4217730868	102-2	103	RUTH NELSON #1	PEACH CREEK (AUSTIN C	130.7	
-INDIAN WELLS OIL CO			RECEIVED:	05/13/82	JA: TX			
8232681	F-7C-048385	4223531834	102-2		RICHEY 53-3	PROBANDT (CANYON)	109.5	NORTHERN NATURAL
-J & C ENERGY INC			RECEIVED:	05/13/82	JA: TX			
8232575	F-78-041942	4209330899	102-4		ANN YOUNG #1	DELEON N (STRAWN)	0.0	SOUTHWESTERN GAS
-J A LEONARD			RECEIVED:	05/13/82	JA: TX			
8232745	F-03-050242	4205100000	102-4		COFFIELD-WINSTON #A #4	INEZ JAMESON (NAVARRO	51.0	FERGUSON CROSSING
-J M HUBER CORPORATION			RECEIVED:	05/13/82	JA: TX			
8232831	F-10-050440	4223331372	103		MAGNOLIA HERRING #24	PANHANDLE	43.0	COLORADO INTERSTA
8232781	F-10-050307	4223331290	103		PERKY #18	PANHANDLE	33.0	COLORADO INTERSTA
8232829	F-10-050437	4223331284	103		READ #23	PANHANDLE	43.0	COLORADO INTERSTA
8232782	F-10-050308	4223331285	103		READ #24	PANHANDLE	22.0	COLORADO INTERSTA
-JOE MCGUIRE			RECEIVED:	05/13/82	JA: TX			
8232586	F-7C-042668	4210533374	102-4	103	JOE F BEAN #C #2	PIKES PEAK DRAW (ELLE	43.7	PERMIAN CORP
-JOHN L COX			RECEIVED:	05/13/82	JA: TX			
8232673	F-7C-047993	4246131877	103		ARCO-STATE #1 RRC #NA	BENEDUM (FUSSELMAN)	10.0	EL PASO NATURAL G
8232638	F-08-046141	4231700000	103		SHAFFER #1	SPRABERRY (TREND AREA	10.0	
-KAARI OIL CO			RECEIVED:	05/13/82	JA: TX			
8232755	F-10-050265	4206531065	103		HAIDUK #A #1 (ID#05023)	PANHANDLE CARSON	32.0	GETTY OIL CO
8232754	F-10-050264	4206531071	103		HAIDUK #B #1 (ID#05024)	PANHANDLE CARSON	45.0	GETTY OIL CO
-KEYSTONE OIL & GAS INC			RECEIVED:	05/13/82	JA: TX			
8232779	F-08-050298	4213333335	102-4		RUSSELL WALKER #1 (97633)	EASTLAND W (RANGER)	372.0	ODESSA NATURAL CO
-KILROY CO OF TEXAS			RECEIVED:	05/13/82	JA: TX			
8232651	F-04-046678	4250531442	102-4		JUAN G BENAVIDES #3	LOPENO S W (WILCOX 73	1466.0	TRANSCONTINENTAL
8232603	F-04-043562	4250531225	102-4		JUAN G BENAVIDES G U #A #1	LOPENO NE (WILCOX 737	182.0	TRANSCONTINENTAL
-LADD PETROLEUM CORPORATION			RECEIVED:	05/13/82	JA: TX			
8232689	F-01-048915	4212732069	103		FITZSIMONS RANCH #1-42-C	HUGH FITZSIMONS (OLMO	136.9	
8232690	F-01-048916	4212732112	103		FITZSIMONS RANCH #2-45	HUGH FITZSIMONS (OLMO	95.8	
-LARIAT OIL & GAS			RECEIVED:	05/13/82	JA: TX			



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROC	PURCHASER
8232628	F-7B-045166	4236332706	102-4	RECEIVED: 05/13/82	4 C COALSON #1	IRSFIELD (CONGL)	276.0	SOUTHWESTERN GAS
-LOGUE AND PATTERSON INC			103	RECEIVED: 05/13/82	W T CARTER & BROS B#2	CAMP RUBY (YEGUA 3645	109.0	HOUSTON PIPELINE
-MABEE PETROLEUM CORP			103	RECEIVED: 05/13/82	BREEDLOVE "C" #1	BREEDLOVE SOUTH (SPRA	72.4	NORTHERN NATURAL
8232850	F-08-050500	4231732361	103	RECEIVED: 05/13/82	ALERTKAMP #2	PEARSALL (AUSTIN CHAL	120.0	T G T INC
-MAJOR EXPLORATION INC			103	RECEIVED: 05/13/82	UNIVERSITY "N" #7	AMIGO (SAN ANDRES)	33.0	BIG LAKE GAS CORP
8232684	F-01-048617	4216332115	103	RECEIVED: 05/13/82	UNIVERSITY "O" #7	AMIGO (SAN ANDRES)	32.0	BIG LAKE GAS CORP
-MARATHON OIL COMPANY			103	RECEIVED: 05/13/82	OWENS #1 (09271)	RED APPALOOSA (1ST ST	11.0	SUN GAS GATHERING
8232640	F-7C-046181	4238332073	103	RECEIVED: 05/13/82	RENATO MARTINEZ RRC#07545	SUTIL (AUSTIN)	54.0	J L DAVIS
8232641	F-7C-046185	4210533665	103	RECEIVED: 05/13/82	J B HOOKER #2	WILDCAT	140.0	TEXAS GAS TRANSMI
-MARIANAS OPERATING CO INC			103	RECEIVED: 05/13/82	HOSCH #1 (17498)	SANTA ANNA S (MARBLE	95.0	LONE STAR GAS CO
8232838	F-7C-050462	4209530559	102-4	RECEIVED: 05/13/82	107-TF PAUL GAS UNIT #1	OAK HILL (COTTON VALL	350.0	HYDROCARBON TRANS
-MARK IV ENERGY			102-4	RECEIVED: 05/13/82	RILEY #1	J L M (MISSISSIPPIAN)	36.0	NORTHERN NATURAL
8232727	F-01-049972	42493331020	103	RECEIVED: 05/13/82	GLADYS SMITH SELLERS #1	PLACED	0.0	TENNECO CHEMICALS
-MARSHALL EXPLORATION INC			103	RECEIVED: 05/13/82	ETHEL MATHEWS #2	TRICKHAM (CROSSCUT)	14.0	LONE STAR GAS CO
8232618	F-06-044313	4236531205	103	RECEIVED: 05/13/82	ETHEL MATHEWS #3	TRICKHAM (CROSSCUT)	10.0	LONE STAR GAS CO
-MAY-FAR OIL & GAS			103	RECEIVED: 05/13/82	GRADY MCIVER #3 (96931)	TRICKHAM (JENNINGS)	18.0	LONE STAR GAS CO
8232589	F-7B-042726	4208332563	103	RECEIVED: 05/13/82	PHILIPPELO OIL UNIT I #1-LT	BRYAN N (GEORGETOWN)	37.0	FERGUSON CROSSING
-MCCORMICK OPERATING CO			103	RECEIVED: 05/13/82	BLAKNEY "D" #2	CONDEN NORTH (SAN AND	18.2	PHILLIPS PETROLEU
8232662	F-06-047382	4241131321	103	RECEIVED: 05/13/82	BLAKNEY "D" #3	CONDEN NORTH (SAN AND	18.2	PHILLIPS PETROLEU
8232625	F-08-044875	4231732290	103	RECEIVED: 05/13/82	ALLEN C WILLIAMS #1 #79698	SANDY CREEK (AUSTIN C	164.0	DELHI GAS PIPELIN
-MCFARLANE OIL CO INC			103	RECEIVED: 05/13/82	ASCHBACHER #1 97343	VIENNA (MIDDLE WILCOX	370.0	UNITED TEXAS TRAN
8232532	F-02-034759	4246900000	103	RECEIVED: 05/13/82	107-TF B J RAINES #1	POKEY (COTTON VALLEY	27.0	TEXAS UTILITIES F
-MCIVER INC			103	RECEIVED: 05/13/82	FLOYD CLAYTON #3 91062	BOONSVILLE (BEND CONG	11.2	NATURAL GAS PIPEL
8232600	F-7B-043364	4208300000	103	RECEIVED: 05/13/82	GRACE-HODGE #3	ALVORD (ATOKA CONGLO	90.0	NATURAL GAS PIPEL
8232599	F-7B-043363	4208300000	103	RECEIVED: 05/13/82	J P REED #2	RENO (STRAUN 2900)	140.0	SOUTHWESTERN GAS
8232588	F-7B-042723	4208332592	103	RECEIVED: 05/13/82	J W LOVING EST #1 #20233	JERMYN WEST (CADD	62.0	SOUTHWESTERN GAS
-MCZ INC			103	RECEIVED: 05/13/82	J W LOVING EST #2C 21044	JERMYN WEST (CADD	0.0	SOUTHWESTERN GAS
8232678	F-03-048264	4204123000	103	RECEIVED: 05/13/82	J W LOVING EST #6 #20233	JERMYN WEST (CADD	0.0	SOUTHWESTERN GAS
-MECCA ENERGY INC			103	RECEIVED: 05/13/82	J W LOVING EST #8 #20233	JERMYN WEST (MARBLE	100.0	SOUTHWESTERN GAS
8232543	F-08-037731	4213533503	103	RECEIVED: 05/13/82	J W LOVING ESTATE #5 #20233	JERMYN WEST (CADD	0.0	SOUTHWESTERN GAS
8232542	F-08-037730	4213533504	103	RECEIVED: 05/13/82	LAKE #1	GIDDINGS (AUSTIN CHAL	27.0	PGP GAS PRODUCTS
-MITCHELL ENERGY CORPORATION			103	RECEIVED: 05/13/82	OLIVER LOVING #3 21289	JERMYN WEST (MARBLE	168.0	SOUTHWESTERN GAS
8232786	F-03-050329	4237330390	102-4	RECEIVED: 05/13/82	OLIVER LOVING #5	JERMYN WEST (CADD	180.0	SOUTHWESTERN GAS
8232539	F-02-036499	4228500000	103	RECEIVED: 05/13/82	B F FOSTER #1-A	WOLF SPRING (PENN)	10.2	EL PASO NATURAL G
8232621	F-05-044439	4229330557	103	RECEIVED: 05/13/82	EFFIE POTTS SIBLEY #11	COVANOSA N (DELAWARE)	17.9	EL PASO NATURAL G
8232544	F-09-037980	4249700000	108	RECEIVED: 05/13/82	EFFIE POTTS SIBLEY B #8	COVANOSA N (DELAWARE)	9.1	EL PASO GAS CO
8232538	F-09-036308	4249732008	103	RECEIVED: 05/13/82	SAND HILLS JUDKINS UNIT #11	SAND HILLS (JUDKINS)	5.1	EL PASO NATURAL G
8232553	F-7B-040005	4236732114	103	RECEIVED: 05/13/82				
8232741	F-09-050235	4223733029	102-4	RECEIVED: 05/13/82				
8232743	F-09-050238	4223733185	102-4	RECEIVED: 05/13/82				
8232762	F-09-050279	4223733454	102-4	RECEIVED: 05/13/82				
8232763	F-09-050280	4223733314	102-4	RECEIVED: 05/13/82				
8232744	F-09-050239	4223733185	102-4	RECEIVED: 05/13/82				
8232764	F-09-050281	4223733380	102-4	RECEIVED: 05/13/82				
8232623	F-03-044520	4228700000	102-2	RECEIVED: 05/13/82				
8232742	F-09-050237	4250334776	102-4	RECEIVED: 05/13/82				
8232715	F-09-049573	4223733978	102-4	RECEIVED: 05/13/82				
-MOBIL PDG TEXAS & NEW MEXICO INC			108-SA	RECEIVED: 05/13/82				
8232700	F-7C-049096	4244330223	103	RECEIVED: 05/13/82				
8232778	F-08-050297	4237133595	103	RECEIVED: 05/13/82				
8232777	F-08-050296	4237133617	103	RECEIVED: 05/13/82				
8232854	F-08-050520	4210332532	108-SA	RECEIVED: 05/13/82				



JD NO	JA DKT	API NO	C SEC(1)	SEC(2)	WELL NAME	FIELD NAME	VOLUME	PAGE	PROC	PURCHASER
8232855	F-04-050521	4204700000	108-SA	RECEIVED:	SOUTH LAGLORIA GAS UNIT #10	LAGLORIA (RILEY)	662	007	21.3	TRANSCONTINENTAL
8232694	F-06-049066	4200131314	102-4	RECEIVED:	S O WYLIE #2	CAROL JEAN			365.0	LONE STAR GAS CO
8232665	F-03-047470	4205131280	102-2	RECEIVED:	P C THOMASON #1	GIDDINGS (AUSTIN CHAL			1.0	FERGUSON CROSSING
8232619	F-7C-044325	4223531649	103	RECEIVED:	ROCKER B "R" #3	SPRABERRY (TREND AREA			1.0	NORTHERN NATURAL
8232839	F-08-050466	4247532461	103	RECEIVED:	CONTINENTAL HAWKINS #9 #26866	PAYTON			14.0	
8232685	F-03-048620	4205131806	102-2	RECEIVED:	SAM DIX UNIT #1	GIDDINGS (BUDA)			44.6	FERGUSON CROSSING
8232526	F-04-028851	4263330147	102-4	RECEIVED:	EVELYN BRAGG #1	MORALES (4390)-3498*			108.0	DELHI GAS PIPELIN
8232578	F-7C-042154	4238331861	103	RECEIVED:	HOLMES (05018) #1	PANHANDLE GRAY COUNTY			0.7	CABOT PIPELINE CO
8232566	F-7C-041244	4238300000	103	RECEIVED:	STATE LEASE 77221 #1-U	MATAGORDA ISLAND-BLK			3.0	CHANNEL INDUSTRIE
8232526	F-04-028851	4263330147	102-4	RECEIVED:	STATE TRACT 845-S #1-U	MATAGORDA ISLAND BLOC			3.0	CHANNEL INDUSTRIE
8232578	F-7C-042154	4238331861	103	RECEIVED:	STATE TRACT 845-S #2-U	SPRABERRY (TREND AREA			21.9	EL PASO NATURAL G
8232566	F-7C-041244	4238300000	103	RECEIVED:	BRANCH #1	SPRABERRY TREND AREA			0.0	EL PASO NATURAL G
8232713	F-10-049552	4223300000	108	RECEIVED:	HUSKY #1	WEST PANHANDLE			7.0	COLORADO INTERSTA
8232709	F-03-049324	4214900000	102-2	RECEIVED:	WHITTENBURG #5	GIDDINGS (AUSTIN CHAL			40.0	PHILLIPS PETROLEU
8232708	F-03-049323	4214900000	102-2	RECEIVED:	MUTSCHINK #1	GIDDINGS (AUSTIN CHAL			42.0	PHILLIPS PETROLEU
8232583	F-04-042427	4270230126	102-4	RECEIVED:	TANECKA #1	BLOCK 774 (L)			1100.0	TENNESSEE GAS PIP
8232798	F-7C-050389	4208130760	103	RECEIVED:	STATE LEASE 774-L #2 SERIAL #C27582	FRANK PEARSON (STRAWN			3.3	SUN OIL CO
8232799	F-7C-050390	4208130761	103	RECEIVED:	FRANK PEARSON REEF UNIT #310	FRANK PEARSON (STRAWN			3.0	SUN OIL CO
8232800	F-7C-050391	4208130762	103	RECEIVED:	FRANK PEARSON REEF UNIT #311	FRANK PEARSON (STRAWN			4.5	SUN OIL CO
8232672	F-04-047911	4227331628	103	RECEIVED:	FRANK PEARSON REEF UNIT #312	MAY S			256.0	TEXAS EASTERN TRA
8232676	F-04-048050	4247933108	102-4	RECEIVED:	WILSON A RAY UNIT #1-T	AVIATORS N (12000*)			438.0	UNITED TEXAS TRAN
8232740	F-04-050231	4250500000	108	RECEIVED:	107-TF BHT-ALICE B HALL GU #7-1	JENNINGS WEST (CROCKE			7.0	NATURAL GAS PIPEL
8232739	F-04-050230	4250500000	108	RECEIVED:	JENNINGS #20	JENNINGS WEST (CROCKE			13.0	NATURAL GAS PIPEL
8232624	F-06-044809	4236531329	103	RECEIVED:	JENNINGS #22	PAXTON/HILL/			365.0	
8232567	F-06-041245	4236500000	103	RECEIVED:	R E HANCOCK #1	JOAQUIN (TRAVIS PEAK)			76.3	UNITED GAS PIPE L
8232751	F-7B-050261	4222130207	108	RECEIVED:	RUSHING #2	LIPAN (MARBLE FALLS)			7.3	TEXAS UTILITIES F
8232753	F-7B-050263	4236730789	108	RECEIVED:	JOE NOAH UNIT #4	EAST BRAZOS (MARBLE F			1.8	NORTHERN GAS PROD
8232752	F-7B-050262	4222100000	108	RECEIVED:	LILLIAN GLASS #1	LIPAN (MARBLE FALLS)			4.0	TEXAS UTILITIES F
8232749	F-7B-050258	4222100000	108	RECEIVED:	NOAH #1 UNIT	LIPAN (MARBLE FALLS)			5.5	TEXAS UTILITIES F
8232750	F-7B-050259	4222100000	108	RECEIVED:	REYNOLDS UNIT #1	LIPAN (MARBLE FALLS)			3.7	TEXAS UTILITIES F
8232748	F-7B-050257	4222130532	108	RECEIVED:	W E WALDRUP #1 UNIT	LIPAN (MARBLE FALLS)			12.8	TEXAS UTILITIES F
8232714	F-08-049554	4213502426	108	RECEIVED:	WILLARD LITTLEJOHN #1	GOLDSMITH N (SAN ANDR			18.0	EL PASO NATURAL G
8232851	F-08-050511	4213507251	108	RECEIVED:	ABELL #1	PENWELL			3.0	EL PASO NATURAL G
8232851	F-08-050511	4213507251	108	RECEIVED:	N PENWELL UNIT #134					
8232851	F-08-050511	4213507251	108	RECEIVED:	05/13/82					



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232634	F-10-045840	4229500000	103		LULA CAIN #1-337	LIPSCOMB SW (CLEVELAN	0.0	PIONEER CORP
8232601	F-10-043375	4221131359	102-4		MAUDE MURRAY #1-77	CAT (MORROW UPPER)	0.0	PIONEER CORP
8232698	F-10-049072	4229500000	103		REDELSPERGER #3-957	MAAMOTH CREEK NORTH (	0.0	NORTHERN NATURAL
-PITTS OIL CO AND DALLAS PRODUCTION					05/13/82	JA: TX		
8232703	F-06-049156	4243330521	102-4		WALTON HEIRS #2 RRC LEASE # 10527	CHAPEL HILL N E (TRAV	54.8	ETEXAS PRODUCERS
-R H SIEGFRIED					05/13/82	JA: TX		
8232784	F-09-050319	4249700000	103		R L MORRIS #A #28	CHICO WEST (CADDON CON	37.0	NATURAL GAS PIPEL
-REALITOS IV EXPLORATORY PROGRAM					05/13/82	JA: TX		
8232598	F-02-043007	4246931658	102-4		BEN WILLIAMS #1	WILDCAT-PROPOSED COLO	185.0	TENNESSEE GAS PIP
-RENUIDA OIL & GAS CO					05/13/82	JA: TX		
8232525	F-06-021605	4240100000	102-4		CARTER GAS UNIT #1	CHURCHILL (TRAVIS PEA	80.0	ARKANSAS-LOUISIAN
-REO INDUSTRIES INC					05/13/82	JA: TX		
8232840	F-10-050467	4223300000	103		WHITTENBURG 1-11	PANHANDLE HUTCHINSON	720.0	TRANS-PAN PIPELIN
8232792	F-10-050362	4223300000	103		WHITTENBURG 1-21	PANHANDLE HUTCHINSON	720.0	TRANS-PAN PIPELIN
8232723	F-10-049719	4223300000	103		WHITTENBURG 1-28	PANHANDLE HUTCHINSON	720.0	TRANS-PAN PIPELIN
8232793	F-10-050363	4223300000	103		WHITTENBURG 5-5	PANHANDLE HUTCHINSON	720.0	TRANS-PAN PIPELIN
-RETANCO INC					05/13/82	JA: TX		
8232631	F-03-045656	4214931003	103		BIGLEY #1	GIDDINGS (AUSTIN CHAL	18.2	PHILLIPS PETROLEU
-RIDGE OIL CO					05/13/82	JA: TX		
8232729	F-07-050201	4213333504	102-4	103	DECKER #1	RANGER NW (MARBLE FAL	29.5	COMPRESSOR RENTAL
8232732	F-07-050205	4213333417	102-4	103	G H TURNER #1	RANGER NW (MARBLE FAL	28.8	COMPRESSOR RENTAL
8232731	F-07-050204	4213333354	102-4	103	HILL #1	RANGER NW (MARBLE FAL	25.2	COMPRESSOR RENTAL
8232730	F-07-050203	4213333486	102-4	103	MILLS #3	RANGER NW (MARBLE FAL	75.6	COMPRESSOR RENTAL
-ROBERT L TIGRETT OIL & GAS CO					05/13/82	JA: TX		
8232780	F-10-050305	4217900000	103		WEBB-A-BATTERY 5 #29 (ID#01718)	PANHANDLE GRAY	68.0	PHILLIPS PETROLEU
-SAGE ENERGY CO					05/13/82	JA: TX		
8232721	F-03-049680	4205100000	102-2		MORE UNIT #1 RRC #	GIDDINGS (AUSTIN CHAL	175.0	PHILLIPS PETROLEU
8232720	F-03-049678	4205100000	102-2		RUTH UNIT #1 RRC #	GIDDINGS (AUSTIN CHAL	90.0	PHILLIPS PETROLEU
-SANTA FE-WINDSOR PRODUCING CO					05/13/82	JA: TX		
8232701	F-03-049112	4228731129	103		BANKS UNIT #1	GIDDINGS (AUSTIN CHAL	219.0	PERRY PIPELINE CO
8232683	F-03-048542	4228731073	102-2	103	MELISSA UNIT #1	GIDDINGS (AUSTIN CHAL	36.5	PERRY PIPELINE CO
-SAXON OIL COMPANY					05/13/82	JA: TX		
8232533	F-08-036001	4231732329	103		KNOX #4A	BREEDLOVE EAST (SPRAB	22.6	PHILLIPS PETROLEU
8232669	F-08-047705	4231700000	103		KOGER #A #2	ACKERLY (DEAN SAND)	6.0	ADOBE OIL & GAS C
8232568	F-07-041247	4246131798	103		RATLIFF #A #2	SPRABERY (TREND AREA	0.0	PHILLIPS PETROLEU
8232584	F-08-042439	4231732357	103		SHELL #2	BREEDLOVE EAST (SPRAB	192.0	PHILLIPS PETROLEU
8232565	F-08-041241	4231732356	103		SNELL #1	BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
-SCANDRILL CO					05/13/82	JA: TX		
8232581	F-09-042218	4250334961	103		CLARK #2	YOUNG COUNTY REGULAR	73.0	SUN GAS TRANSMISS
8232604	F-09-043830	4223733823	103		DAN DAVIS #1	JACK COUNTY REGULAR B	27.4	LONE STAR GAS CO
8232658	F-09-047157	4223734105	103		GEORGE KINDER #2	BRYSON EAST	102.2	TEXAS UTILITIES F
8232660	F-09-047247	4223734287	103		GEORGE KINDER #3	BRYSON EAST	86.6	TEXAS UTILITIES F
8232656	F-09-047131	4223734131	103		HENDERSON #5	BRYSON EAST	143.1	SUN GAS TRANSMISS
8232613	F-09-044209	4223734042	103		HENDERSON-BRIDWELL #5	JACK COUNTY REGULAR	253.3	TEXAS UTILITIES F
8232614	F-09-044211	4223734096	103		HENDERSON-BRIDWELL #6	BRYSON EAST	33.6	TEXAS UTILITIES F
8232573	F-09-041374	4250334274	103		KURK #25	YOUNG COUNTY REGULAR	0.0	SUN GAS TRANSMISS
8232561	F-09-040869	4250334803	103		MORRIS STEPHENS #5	YOUNG COUNTY REGULAR	29.2	SUN GAS TRANSMISS
8232536	F-09-036067	4250334612	103		MORRIS STEPHENS #B #2	BO SCAN (CONGL)	182.5	SUN GAS GATHERING
8232580	F-09-042217	4250334742	103		MORRIS STEPHENS #B #4	YOUNG COUNTY REGULAR	15.3	SUN GAS TRANSMISS
8232593	F-09-042808	4250335199	103		MORRIS STEPHENS #B #5	KNOX (MISS LIME)	54.8	SUN GAS TRANSMISS
8232592	F-09-042807	4250335053	103		MORRIS STEPHENS #C #12	YOUNG COUNTY REGULAR	73.0	SUN GAS TRANSMISS
8232657	F-09-047134	4250335303	103		PEARL T KURK #35	NAPECO (MISS)	168.6	SUN GAS TRANSMISS
8232650	F-07-040786	4244732810	102-4	103	PUTNAM #14	RICHARDS RANCH (MISS)	54.8	CLEAR FORK GAS CO



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232661	F-78-047249	4244732936	103		PUTNAM "C" #13	RICHARDS RANCH (MISS)	36.5	THROCKMORTON GAS
8232559	F-09-040785	4250334052	103		WILLIAM KURK #20	YOUNG COUNTY REGULAR	73.0	SUN GAS TRANSMISS
8232558	F-09-040782	4250334275	103		WILLIAM KURK #24	YOUNG COUNTY REGULAR	18.3	SUN GAS TRANSMISS
-SEQUOIA FOSSIL FUELS INC								
8232670	F-78-047824	4241734209	102-4		RECEIVED: 05/13/82 JA: TX	D JACK (GARDNER)	200.0	DELHI GAS PIPELIN
-SHELL OIL CO								
8232832	F-04-050442	4221530838	103		RECEIVED: 05/13/82 JA: TX	MCALLEN RANCH (VICKSB)	200.0	VALERO TRANSMISSI
8232833	F-04-050443	4221531155	102-4		A A MCALLEN "B" #14	MONTE CHRISTO (VICKSB)	600.0	VALERO TRANSMISSI
8232816	F-08-050421	4213500000	108		HARMAN RANCH #8	JORDAN	0.7	PHILLIPS PETROLEU
8232811	F-08-050416	4249500000	108		JORDAN UNIVERSITY #614	MONAHANS (QUEEN SAND)	1.2	EL PASO NATURAL G
8232812	F-09-050417	4218100000	108		SEALY SMITH FDN #178	B M C (V SDSTN)	11.9	UNION TEXAS PETRO
8232815	F-08-050420	4213500000	108		STEEDMAN L A #1	TXL (TUBB)	7.4	SHELL OIL ET AL
8232814	F-08-050419	4213500000	108		TXL NORTH UNIT #327-L	TXL (TUBB)	3.0	SHELL OIL ET AL
8232813	F-08-050418	4213500000	108		TXL NORTH UNIT #355-L	TXL NORTH (WADDELL)	11.1	SHELL OIL ET AL
8232810	F-08-050414	4200300000	108		TXL-L-A/C 1 NO 31-U	ANDREWS SOUTH (DEVONI)	21.6	EL PASO NATURAL G
-SHOW PETROLEUM INC								
8232725	F-78-049578	4242932868	103		UNIVERSITY-G- #1	STEPHENS COUNTY REGUL	36.0	LONE STAR GAS CO
-SMITH PETROLEUM CO								
8232550	F-03-039119	4216730754	103		RECEIVED: 05/13/82 JA: TX	DICKINSON (FRIO 1)	255.0	HOUSTON PIPELINE
-SPARKMAN PRODUCING CO								
8232655	F-02-047098	4217500000	103		B C SCHROEDER #1	GOTTSCHALT (8900)	100.0	UNITED GAS PIPELI
-SPENCER & HUTSON								
8232563	F-03-041172	4228730838	103		ARNOLD #1	GIDDINGS (AUSTIN CHAL	105.0	P6P GAS PRODUCTS
-SUN EXPLORATION & PRODUCTION CO								
8232706	F-04-049259	4242731575	103		RECEIVED: 05/13/82 JA: TX	LOCKHART	0.7	TENNESSEE GAS PIP
8232817	F-78-050422	4242900000	108		CAFFARELLI #11	STEPHENS COUNTY REGUL	1.0	LONE STAR GAS CO
8232818	F-78-050423	4242900000	108		I A STOKER #17	STEPHENS COUNTY REGUL	14.0	LONE STAR GAS CO
8232736	F-78-050224	4242900000	108		I A STOKER "G" #1	STEPHENS COUNTY REGUL	2.0	WARREN PETROLEUM
8232735	F-78-050222	4242900000	108		JAMES CARLISLE #1	STEPHENS COUNTY REGUL	11.0	WARREN PETROLEUM
8232705	F-8A-049255	4207931371	103		JAMES CARLISLE #5	SLAUGHTER	4.0	AMOCO PRODUCTION
-SUN OIL COMPANY (DELAWARE)								
8232734	F-78-050221	4242900000	108		LEAGUE 91 PROJECT #3-10	STEPHENS COUNTY REGUL	5.0	WARREN PETROLEUM
-SWEETWATER DRILLING CO INC								
8232549	F-78-039059	4205932831	102-4		RECEIVED: 05/13/82 JA: TX	MUGENT'S NOOK (DUFFER	116.0	DELHI GAS PIPELIN
-TAYLOR OPERATING COMPANY								
8232847	F-09-050478	4223700000	103		NAOMI HEYSER #4	JACK COUNTY REGULAR	36.9	LONE STAR GAS CO
-TENNECO OIL COMPANY								
8232616	F-08-044230	4230130284	107-OP		JOHNSON RANCH "B" #1(21679)	BRUNSON RANCH	380.0	TENNESSEE GAS PIP
8232785	F-8A-050325	4207931326	103		RECEIVED: 05/13/82 JA: TX	SLAUGHTER	0.0	AMOCO PRODUCTION
8232569	F-8A-041264	4250131848	103		BRUNSON #14-1	PRENTICE	5.9	AMOCO PRODUCTION
8232556	F-04-040726	4255531171	103		WALLET LAND & CATTLE #18	AGUA DULCE	185.0	
-TEXACO INC								
8232693	F-10-049038	4217900000	108		PRENTICE (6780 CLEARFORK) #1608	PANHANDLE EAST	1.0	COLTEXO CORP
8232746	F-10-050249	4217900000	108		W W BOGEL #3	EAST PANHANDLE	7.0	WESTAR TRANSMISSI
8232747	F-08-050256	4237100000	108		RECEIVED: 05/13/82 JA: TX	CROSSETT SOUTH (DETRI	13.0	NORTHERN NATURAL
-TEXAS CRUDE INC								
8232675	F-04-048015	4204730823	102-4		JOHNSON RANCH "B" #1	TRES ENCINOS (7250)	3807.0	ESPERANZA TRANSMI
-TEXAS OIL & GAS CORP								
8232564	F-02-041217	4212331165	103		RECEIVED: 05/13/82 JA: TX	ADCOCK #3	0.0	UNITED GAS PIPELI
8232726	F-10-049875	4229530845	103		ADCOCK #1	RICHARD ADCOCK (2850)	70.0	DIAMOND SHAROCK
8232579	F-05-042173	4216100000	103		BAK #1	HORSE CREEK NW (LOWER	0.0	
8232582	F-02-042239	4217531539	102-4		107-TF HILL "F" #1	NAN-SU-GAIL (BOSSIER)	0.0	
-THE STONE OIL CORPORATION								
					RECEIVED: 05/13/82 JA: TX	BOMBA (5160)	0.0	DELHI GAS PIPELIN







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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232480		4704193105	103	RECEIVED: 05/13/82	JUANITA SULLIVAN S-369	FREEMANS CREEK	27.0	CONSOLIDATED GAS
-L & M PETROLEUM INC								
8232502		4707321216	107-DV		HOBART ISEKITT #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
8232504		4707320858	108		JAMES POWELL #1	WASHINGTON	10.0	COLUMBIA GAS TRAN
8232501		4707320791	108		JAMES POWELL #2	WASHINGTON	10.0	COLUMBIA GAS TRAN
8232505		4707320859	107-DV		JAMES POWELL #3	WASHINGTON	10.0	COLUMBIA GAS TRAN
8232506		4707320859	108		JAMES POWELL #3	WASHINGTON	10.0	COLUMBIA GAS TRAN
8232503		4707320858	107-DV		JIM POWELL #1	WASHINGTON	10.0	COLUMBIA GAS TRAN
8232500		4707320791	107-DV		JIM POWELL #2	WASHINGTON	10.0	COLUMBIA GAS TRAN
-MONITOR PETROLEUM CORP								
8232484		4700121505	103	RECEIVED: 05/13/82	JA: WV	VALLEY	54.0	COLUMBIA GAS TRAN
8232483		4700121318	103		MONITOR #1 TETER	VALLEY	9.0	COLUMBIA GAS TRAN
8232482		4700121422	103		MONITOR #2 STALNAKER	BARKER	54.0	COLUMBIA GAS TRAN
-SNECA-UPSHUR PETROLEUM CO								
8232485		4705900977	107-DV		C-12	HARDEE	35.0	COLUMBIA GAS TRAN
8232486		4705900958	107-DV		C-3	HARDEE	35.0	COLUMBIA GAS TRAN
8232487		4705900986	107-DV		C-7	HARDEE	35.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC								
8232523		4701501588	108	RECEIVED: 05/13/82	JA: WV	BUFFALO DISTRICT	18.3	EQUITABLE GAS CO
-STOCKTON OIL/GAS CO								
8232498		4704322510	103	RECEIVED: 05/13/82	JA: WV	JEFFERSON DISTRICT	0.0	COLUMBIA GAS TRAN
-SUNNIT GAS & DEVELOPMENT CO								
8232512		4707900083	108		C E & ARDITH PAUL #1	CURRY	2.7	PENNZOIL CO
8232493		4707900143	108		J B & EDNA L WOOD #1	CURRY	0.0	PENNZOIL CO
8232492		4707900156	108		J B & EDNA L WOOD #2	CURRY	0.9	PENNZOIL CO
8232514		4707900059	108		JOHN S BURDETTE #1	CURRY	2.5	PENNZOIL CO
8232513		4707900075	108		JOHN S BURDETTE #2	CURRY	2.7	PENNZOIL CO
8232511		4707900097	108		JOHN S BURDETTE #3	CURRY	2.5	PENNZOIL CO
8232517		4707900189	108		JOHN S BURDETTE #5	CURRY	2.7	PENNZOIL CO
8232515		4707900245	108		LUCIAN KEYSER #1	CURRY	0.5	PENNZOIL CO
8232510		4707900288	108		LUCIAN KEYSER #2	CURRY	0.5	PENNZOIL CO
8232519		4707900169	108		MILLARD F EASTER #1	CURRY	0.5	PENNZOIL CO
8232518		4707900178	108		MILLARD F EASTER #2	CURRY	0.5	PENNZOIL CO
8232516		4707900190	108		MILLARD F EASTER #3	CURRY	0.5	PENNZOIL CO
8232509		4707900560	108		R E MYNES #1	CURRY	1.2	PENNZOIL CO
8232499		4707900564	108		R E MYNES #2	CURRY	1.2	PENNZOIL CO
8232494		4707900109	108		VIRGIL & MYRTLE CALDWELL #1	CURRY	1.0	PENNZOIL CO
8232520		4707900163	108		VIRGIL & MYRTLE CALDWELL #2	CURRY	1.0	PENNZOIL CO
8232508		4707900152	108		WALTER JOHNSON #1	CURRY	0.2	PENNZOIL CO
8232521		4707900158	108		WALTER JOHNSON #2	CURRY	0.2	PENNZOIL CO
-SWIFT ENERGY CO								
8232495		4702103771	107-DV	RECEIVED: 05/13/82	JA: WV	GLENNVILLE NORTH	50.0	
8232497		4702103785	107-DV		ALLEN #1-A	GLENNVILLE NORTH	50.0	
8232496		4702103786	107-DV		MICK #1-A	GLENNVILLE NORTH	50.0	
-TEXAS INTERNATIONAL PET CORP								
8232522		4706700557	103	RECEIVED: 05/13/82	JA: WV	TWENTY MILE CREEK	45.0	CABOT CORP
-UNION DRILLING INC								
8232507		4709702262	103	RECEIVED: 05/13/82	JA: WV	WARREN DISTRICT	0.0	CONSOLIDATED GAS

BILLING CODE 6717-01-C



## OTHER PURCHASERS

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8232529 COLUMBIA GAS TRANS CORP  
8232586 EL PASO NATURAL GAS CO  
8232611 TEXAS UTILITIES FUEL CO  
8232612 TEXAS UTILITIES FUEL CO  
8232691 E I DUPONT DE NEMOURS & CO INC  
8232705 EL PASO NATURAL GAS CO  
8232729 LONE STAR GAS CO  
8232730 LONE STAR GAS CO  
8232731 LONE STAR GAS CO  
8232732 LONE STAR GAS CO  
8232777 DELHI GAS P L CORP  
8232778 DELHI GAS P L CORP  
8232790 E I DUPONT DE NEMOURS & CO INC  
8232791 E I DE NEMOURS & CO INC  
8232797 E I DUPONT DE NEMOURS & CO INC  
8232801 EL PASO NATURAL GAS CO  
8232855 NATURAL GAS P L CO OF AMER

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1,000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the

Commission on or before June 29, 1982.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease  
102-2: New well (2.5 mile rule)  
102-3: New well (1000 ft rule)  
102-4: New onshore reservoir  
102-5: New reservoir on old OCS lease  
Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressured brine  
107-CS: Coal seams  
107-DV: Devonian shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation  
Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15982 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M



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## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 8, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	ACQ	PURCHASER
*****								
KENTUCKY DEPARTMENT OF MINES & MINERALS								
*****								
EQUITABLE LIFE ASSURANCE SOCIETY RECEIVED: 05/14/82 JA: KY								
8232858	502629	1608537825	108		EQUITABLE-DUEL SEATON #1	SHREWSBERRY GAS FIELD	12.5	MIDWESTERN GAS TR
8232861	502632	1608539076	108		EQUITABLE-DUEL SEATON #2	SHREWSBERRY GAS FIELD	9.0	MIDWESTERN GAS TR
8232860	502631	1608537838	108		EQUITABLE-JOHNSON #1	SHREWSBERRY GAS FIELD	5.0	MIDWESTERN GAS TR
8232864		1608538247	108		EQUITABLE-L COY #1	SHREWSBERRY GAS FIELD	11.0	MIDWESTERN GAS TR
8232859	502630	1608539487	108		EQUITABLE/NOVAL SEATON #1	SHREWSBERRY GAS FIELD	12.0	MIDWESTERN GAS TR
8232863	502636	1608539265	108		EQUITABLE/OTIS MOON #1	SHREWSBERRY GAS FIELD	13.0	MIDWESTERN GAS TR
8232862	502634	1608539134	108		EQUITABLE/ROY WILLIS #1	SHREWSBERRY GAS FIELD	3.0	MIDWESTERN GAS TR
*****								
MONTANA BOARD OF OIL & GAS CONSERVATION								
*****								
AROCO PRODUCTION CO RECEIVED: 05/14/82 JA: MT								
8232998	5-81-93	2512121657	102-2		AMOCO EN "A" #1	WILCOAT	46.3	
*****								
D A S RESOURCE VENTURES INC RECEIVED: 05/14/82 JA: MT								
8232992	5-81-87	2510121913	102-2		PETERSON 2-32 SW NW SE 32 T31N R2E	NOT DESIGNATED	65.7	MONTANA POWER CO
*****								
GULF OIL CORPORATION RECEIVED: 05/14/82 JA: MT								
8232994	5-81-85	2508321326	102-2		WALDO MERRILL 1-3	EAST PUTNAM	14.0	CRYSTAL OIL CO
*****								
SOUTHLAND ROYALTY CO RECEIVED: 05/14/82 JA: MT								
8232991	5-81-102	2507121738	103		STATE 1633 #2	BOWDOIN-WHITEWATER UN	36.0	KANSAS NEBRASKA N
*****								
WESTERN NATURAL GAS CO RECEIVED: 05/14/82 JA: MT								
8232993	5-81-98	2504122063	103		KIERCHER 3-16 T32N R14E SEC 16	TIGER RIDGE	15.0	NORTHERN NATURAL
*****								
WESTERN NATURAL GAS COMPANY RECEIVED: 05/14/82 JA: MT								
8232996	5-81-100	2504122171	103		KAFKA 11-11 T32N R14E SEC 11	TIGER RIDGE	15.0	NORTHERN NATURAL
8232989	5-81-101	2504122059	103		MALSAH 1-31 T33N R14E SEC 31	FRESNO	25.0	NORTHERN NATURAL
8232995	5-81-99	2504122070	103		SWICK 3-22 T32N R14E SEC 22	TIGER RIDGE	20.0	NORTHERN NATURAL
*****								
NORTH DAKOTA INDUSTRIAL COMMISSION								
*****								
BURNETT OIL CO INC RECEIVED: 05/14/82 JA: ND								
8233065	518	3310500970	103		C BLIKRE #2	LINDAHL-MADISON	12.0	AMINOIL USA INC
8233066	519	3310500974	103		KARLGAARD #1	LINDAHL-MADISON	11.0	AMINOIL USA INC
*****								
EXETER EXPLORATION COMPANY RECEIVED: 05/14/82 JA: ND								
8233060	513	3305301408	102-2		HYSTAD 15-2	POE	100.0	
*****								
MGP OIL CORP RECEIVED: 05/14/82 JA: ND								
8233063	517	3300700726	102-4		BURLINGTON-NORTHERN 44-1	DEVIL'S PASS	18.8	KOCH HYDROCARBON
*****								
NUCORP ENERGY INC RECEIVED: 05/14/82 JA: ND								
8233064	516	3300700707	102-2		FEDERAL #32-2	ELKHORN RANCH	67.0	KOCH HYDROCARBON
*****								
PATRICK PETROLEUM CORP OF MICHIGAN RECEIVED: 05/14/82 JA: ND								
8233062	515	3305301334	102-2		ENDERUD #1-17	TR	75.0	
8233061	514	3300700669	102-2		MOSSER #2-25		22.0	WESTERN GAS PROCE
*****								
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
*****								
ALAN J ANTWEIL RECEIVED: 05/17/82 JA: NM								



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D SEC(1) SEC(2) WELL NAME

API NO

JA DKT

JD NO

FIELD NAME

PROD

PURCHASER

8232987	3002527484		DEWEY #1 1-J-5-20S-38E	103	RECEIVED:	05/17/82	J A: NM	WEST NADINE BLINEBRY	22.0	WARREN PETROLEUM
8232986	3002527668		DEWEY #2 2-G-5-120S-R38E	103				WEST NADINE BLINEBRY	21.0	WARREN PETROLEUM
8233068	3002527589		FILBERT #1 1-J-8-20S-38E	103				WEST NADINE DRINKARD	186.0	WARREN PETROLEUM
8233067	3002527553		HERMAN #1 1-F-8-20S-38E	103				WEST NADINE BLINEBRY	35.0	WARREN PETROLEUM
8232985	3002527627		HUEY #1 1-K-5-20S-38E	103				WEST NADINE BLINEBRY	38.0	WARREN PETROLEUM
-AMOCO PRODUCTION CO			RECEIVED:							
8233091	3001534879		FATE #1	102-4				UND ATOKA	245.7	EL PASO NATURAL GAS PIPE
8232984	3001523960		LODEWICK A #1	103				UND NORTH DAGGER DRAW	150.7	NATURAL GAS PIPE
-ARCO OIL AND GAS COMPANY			RECEIVED:							
8233076	3002524650		CURRAN JONES WN #10	108-ER				JALMAT	0.0	EL PASO NATURAL GAS
8233112	3002508870		H S RECORD WN #3	108				EUNICE (7 RIVERS QUEE	9.0	PHILLIPS PETROLEUM
8233088	3002500000		JALMAT STATE GAS COM #1	108-ER				JALMAT	0.0	EL PASO NATURAL GAS
8233089	3002500000		MCDONALD STATE NW #4	108-ER				JALMAT	0.0	EL PASO NATURAL GAS
-BELCO PETROLEUM CORPORATION			RECEIVED:							
8233075	3001523522		CAVALIER #1	102-2				CAVALIER	0.0	EL PASO NATURAL GAS
8233074	3001523521		KIMBLEY #1	102-2				NORTH LOVING (STRAWN)	0.0	EL PASO NATURAL GAS
-C & E OPERATORS INC			RECEIVED:							
8233083	3004524694		FEE #8	103				AZTEC PICTURED CLIFFS	101.0	EL PASO NATURAL GAS
-OPECO INC			RECEIVED:							
8233082	3000561231		MILLER #1	107-TF				UNDESIGNATED ABO	91.0	TRANSWESTERN PIPE
8233084	3000561231		MILLER #1	102-2				UNDESIGNATED ABO	91.0	TRANSWESTERN PIPE
-DINERO OPERATING CO			RECEIVED:							
8233071	3001523797		VASQUEZ COM #1	103				UND MALAGA ATOKA	730.0	EL PASO NATURAL GAS
-DOYLE HARTMAN OIL OPERATOR			RECEIVED:							
8233072	3002526948		E C WINTERS #2	173				JALMAT-YATES (OIL)	118.6	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY			RECEIVED:							
8233110	3004506142		CUCCIA COM B #4	108				BLANCO - MESAVERDE	22.0	EL PASO NATURAL GAS
8233109	3004506175		CUCCIA STATE #2	108				BLANCO SOUTH - PICTUR	22.0	EL PASO NATURAL GAS
8233111	3004513144		FARMINGTON COM B #1	108				BLANCO SOUTH - PICTUR	22.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC			RECEIVED:							
8232981	3004120554		EL PASO STATE #1	102-2				WILDCAT	72.0	WARREN PETROLEUM
8232979	3004120581		EL PASO STATE #2	102-2				EAST TANNEYHILL-CISCO	216.0	WARREN PETROLEUM
-GETTY OIL COMPANY			RECEIVED:							
8233073	3004524311		GARRETT FEDERAL COM 2 #1E	103				BASIN DAKOTA	16.9	EL PASO NATURAL GAS
8233080	3002527386		MYERS LANGLIE MATTIX UNIT #162	103				LANGLIE MATTIX	48.9	EL PASO NATURAL GAS
-INEXCO OIL COMPANY			RECEIVED:							
8233101	3002527552		LOTTIE YORK #1	102-4				UNDESIGNATED	60.9	PHILLIPS PETROLEUM
-JEROME P MCHUGH			RECEIVED:							
8233103	3003922696		PUPPA MANCHE #5	103				SOUTH BLANCO P C	200.0	EL PASO NATURAL GAS
-KENAI OIL AND GAS INC			RECEIVED:							
8233102	3004525199		STATE OF NEW MEXICO #36-44	103				LYBROOK-GALLUP EXT	20.0	MESA PETROLEUM CO
-MARBOR ENERGY CORPORATION			RECEIVED:							
8232982	3001523640		NG PHILLIPS ST #25	103				ARTESIA QUEEN GRAYBUR	10.0	PHILLIPS PETROLEUM
8232983	3001523619		WEST ARTESIA GRBG UT TR 2 #21	103				ARTESIA QUEEN GRAYBUR	3.5	PHILLIPS PETROLEUM
-MERRION OIL & GAS CORP			RECEIVED:							
8233079	3003922893		GLENMORANGIE #1	103				UNDESIGNATED	105.0	
8232988	3003922883		RITA #2	103				LYBROOK GALLUP	66.0	
-MESA PETROLEUM COMPANY			RECEIVED:							
8233098	3000561169		ACME #6	102-2				UNDESIGNATED ABO	400.0	TRANSWESTERN PIPE
8233107	3000561170		107-TF ACME #7	102-2				UNDESIGNATED ABO	366.0	TRANSWESTERN PIPE
8233106	3000561172		107-TF ACME #9	102-2				UNDESIGNATED ABO	400.0	TRANSWESTERN PIPE
8233104	3000561180		107-TF COMER #4	102-2				UNDESIGNATED ABO	639.0	TRANSWESTERN PIPE
8233105	3000561147		107-TF DAVIS #3	102-2				UNDESIGNATED ABO	519.0	TRANSWESTERN PIPE



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233099		3005061162	102-2	RECEIVED:	RIC #4	UNDERSIGNED ABO	500.0	TRANSWESTERN PIPE
8233078		3002523862	108	RECEIVED:	STAN #1	NORTH BAGLEY PENN	4.5	WARREN PETROLEUM
8233086		3002508000	102-4	RECEIVED:	NEW MEXICO STATE	EAST LA RICA MORROW	1.0	LLANO INC
8233094		3002527223	107-DP	RECEIVED:	JACKSON UNIT #1	WILDCAT MORROW	405.0	
8233095		3000561229	107-TF	RECEIVED:	JAMIE COM #1	UNDERSIGNED ABO	288.0	
8233070		3004500000	103	RECEIVED:	HANLEY #3	AZTEC FRUITLAND	146.0	EL PASO NATURAL G
8233085		3004500000	102-4	RECEIVED:	NYE COM #1-E (CHACRA)	CHACRA (UNDERSIGNED)	0.0	PIONEER NATURAL G
8233113		3002525345	102-4	RECEIVED:	STATE UTP #1	WILDCAT	300.0	WARREN PETROLEUM
8233081		3004120573	103	RECEIVED:	J MCLELLAN #1	UNDERSIGNED (CISCO)	29.0	
8233090		3004100000	108	RECEIVED:	STATE C V #3	CHAVEROO SAN ANDRES	8.0	CITIES SERVICE CO
8233108		3002527458	102-4	RECEIVED:	STATE LF 30-2	SOUTH KENNITZ ATOKA M	1825.0	TRANSWESTERN PIPE
8232980		3000500000	107-TF	RECEIVED:	GRYNBERG 32 STATE #3	PECOS SLOPE ABO GAS	0.0	TRANSWESTERN PIPE
8233077		3000500000	107-TF	RECEIVED:	GRYNBERG 32 STATE #4	PECOS SLOPE ABO GAS	0.0	TRANSWESTERN PIPE
8233069		3003900000	103	RECEIVED:	STATE #1	BASIN-DAKOTA	175.0	
8233097		3000561239	107-TF	RECEIVED:	CONEJO "RH" STATE #3	UND ABO	0.0	TRANSWESTERN PIPE
8233093		3000561049	107-TF	RECEIVED:	GRYNBERG "L2" STATE #2	UND ABO	0.0	TRANSWESTERN PIPE
8233092		3001523321	102-4	RECEIVED:	IRISH HILLS KW STATE COM #2	UND PENASCO DRAW PERM	0.0	TRANSWESTERN PIPE
8233100		3001523398	102-4	RECEIVED:	MILLMAN "SB" STATE #1	SOUTH WILLMAN MORROW	0.0	TRANSWESTERN PIPE
8233087		3000560665	102-4	RECEIVED:	NINE MILE "LV" STATE #1	UNDERSIGNED BUFFALO	0.0	TRANSWESTERN PIPE
8233096		3000561215	102-2	RECEIVED:	WHITWORTH RU STATE #1	WILDCAT	0.0	TRANSWESTERN PIPE
*****								
OHIO DEPARTMENT OF NATURAL RESOURCES								
*****								
RECEIVED: 05/14/82 JA: OH								
8232866		3408923844	103	RECEIVED:	LENAROSE ASHCRAFT ROBERTS #1	FALLSBURY TWP	3.0	NATIONAL OIL & GA
8232867		3415522133	102-2	RECEIVED:	107-TF RUST 1A	BROOKFIELD	29.0	COLUMBIA GAS TRAN
8232869		3416923247	103	RECEIVED:	107-TF ANNA MORGAN #1	RITTMAN	0.0	COLUMBIA GAS TRAN
8232870		3416923274	103	RECEIVED:	107-TF L MARTY #1	CRESTON	22.0	COLUMBIA GAS TRAN
8232871		3407522215	103	RECEIVED:	CROWE #2	KILLBUCK	250.0	COLUMBIA GAS TRAN
8232872		3407522216	103	RECEIVED:	CROWE #3	KILLBUCK	250.0	COLUMBIA GAS TRAN
8232873		3416923201	103	RECEIVED:	107-TF ZOLLINGER #1-A	MILTON	12.0	COLUMBIA GAS TRAN
8232967		3415723702	103	RECEIVED:	107-TF JERRY TROUT #1	SUGARCREEK	15.0	EAST OHIO GAS CO
8232968		3415723706	103	RECEIVED:	107-TF NELSON MILLER #3	SUGARCREEK	10.0	EAST OHIO GAS CO
8232874		3411924867	108	RECEIVED:	DALTON #1	DRESDEN	10.0	COLUMBIA GAS TRAN
8232875		3411925929	103	RECEIVED:	107-TF THOMAS JACKSON #1-572		10.0	COLUMBIA GAS TRAN
*****								
DERBY OIL & GAS CORP								



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JD NO	JA DAT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8232876		3407523467	103	107-TF	MELVIN MILLER #2	HARDY	12.0	COLUMBIA GAS TRAN
8232877		3407523472	103	107-TF	MELVIN MILLER #4	HARDY	12.0	COLUMBIA GAS TRAN
8232878		3407523559	103	107-TF	ROBERT STARNER #1	HARDY	12.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED: 05/14/82	JA: OH			
8232879A		3412725362	103	107-TF	ROBERT STOLTZ #1	JACKSON	12.0	COLUMBIA GAS TRAN
8232879B		3412725362	103	107-TF	ROBERT STOLTZ #1	JACKSON	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 05/14/82	JA: OH			
8232880		3416923117	103	107-TF	WOOD UNIT #3	CONGRESS	5.0	
8232881		3416923021	103	107-TF	WOOD UNIT #2	CONGRESS	5.0	
-EDWARD E ATHA				RECEIVED: 05/14/82	JA: OH			
8232888A		3400922465	103	107-TF	JAMES D HAYES #B #1	STEWART	12.0	
8232888B		3400922465	103	107-TF	JAMES D HAYES #B #1	STEWART	12.0	
-FRANKLIN GAS & OIL CO INC				RECEIVED: 05/14/82	JA: OH			
8232883		3408323028	103	107-TF	D P & L M SHELTON #1	BRINKHAVEN	12.0	
8232884		3408323029	103	107-TF	R J MCCLAIN #1	BRINKHAVEN	12.0	
8232882		3408322942	103	107-TF	RUBY FARQUHAR #1	JEFFERSON	12.0	
-GEO ENERGY INC				RECEIVED: 05/14/82	JA: OH			
8232885		3411926048	103	107-TF	MCCALL #22-2	OTSEGO	15.0	COLUMBIA GAS TRAN
-HERALD OIL & GAS CO				RECEIVED: 05/14/82	JA: OH			
8232886		3410521832	108	107-TF	DORIS WOODYARD #1		5.4	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 05/14/82	JA: OH			
8232887		3411122248	103	107-TF	MAE KILZER/GERTRUDE BAKER #1	STAFFORD	12.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN				RECEIVED: 05/14/82	JA: OH			
8232888		3403124733	103	107-TF	DALLAS & MARY LINT #2	SPRING MOUNTAIN	12.0	COLUMBIA GAS TRAN
-JADCOIL INC				RECEIVED: 05/14/82	JA: OH			
8232890		3403123417	103	107-TF	ARCHIE & DONNA WAGERS #2	CLARK	15.0	COLUMBIA GAS TRAN
8232889		3403123484	103	107-TF	EMMA AMANN #4	CLARK	6.0	COLUMBIA GAS TRAN
8232891		3403124098	103	107-TF	RAYMOND & BEVERLY PATTERSON #1	CLARK	13.0	COLUMBIA GAS TRAN
8232892		3403124393	103	107-TF	RAYMOND R & BEVERLY A PATTERSON #3	CLARK	15.0	COLUMBIA GAS TRAN
-JAMES DRILLING CORP				RECEIVED: 05/14/82	JA: OH			
8232893		3409721883	103	107-TF	THOMAS S ROMANOWSKI #1	LEON	7.0	
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 05/14/82	JA: OH			
8232894		3408323062	103	107-TF	R C BEBEUT #2	MARTINSBURG	12.0	
-LEADER EQUITIES INC				RECEIVED: 05/14/82	JA: OH			
8232895		3411926122	103	107-TF	CULLINS #2	CASS	13.0	
-LOMAK PETROLEUM INC				RECEIVED: 05/14/82	JA: OH			
8232896		3408322307	103	107-TF	D KAUFFMAN #1	JEFFERSON	12.0	EAST OHIO GAS
8232898		3408323805	103	107-TF	F SHELTON #2	JEFFERSON	12.0	EAST OHIO GAS
-M B OPERATING CO INC				RECEIVED: 05/14/82	JA: OH			
8232902		3415723614	103	107-TF	ABE MILLER #2	WAYNE	45.6	
8232905		3415723650	103	107-TF	BAKER #1	BOLIVAR	45.6	
8232897		3415123630	103	107-TF	BIXLER UNIT #2-A	BOLIVAR	27.4	
8232901		3415723351	103	107-TF	G & B WIZER #3	MINERAL CITY	21.9	
8232906		3415723653	103	107-TF	HEID UNIT #3	BOLIVAR	25.6	
8232900		3415123637	103	107-TF	PRICE UNIT #1	CANTON	18.3	
8232903		3415123626	103	107-TF	R MILLER #1-A	ROBERTSVILLE	5.1	
8232904		3415123656	103	107-TF	RAWSEY #3	LINAVILLE	14.6	
8232899		3415123634	103	107-TF	RENTAL INVESTMENTS INC #1	MASSILLAN	36.5	
-NATIONAL PRODUCTION CORP				RECEIVED: 05/14/82	JA: OH			
8232920		3412100000	108	107-TF	BETTS (FLOOD #1)		2.1	NATIONAL GAS & OI
8232909		3412120084	108	107-TF	BETTS (HOUSE #1)		21.1	NATIONAL GAS & OI
8232918		3412120692	108	107-TF	BUCKEY HAYES LEASE #2		2.4	NATIONAL GAS & OI
8232913		3412120527	108	107-TF	HECDLESON (OHIO POWER #2)		4.2	NATIONAL GAS & OI



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232914		3412122531	108		HEDDLESON (OHIO POWER #3)		4.2	NATIONAL GAS & OI
8232916		3412120603	108		HESSON #2		26.5	NATIONAL GAS & OI
8232910		3412120395	108		JAMES LEASE #2		3.6	NATIONAL GAS & OI
8232915		3412120559	108		JAMES LEASE #3		3.6	NATIONAL GAS & OI
8232912		3412120463	108		NEWTON (STATE OF OHIO) #2		3.6	NATIONAL GAS & OI
8232911		3412120415	108		NEWTON (STATE OF OHIO) #3		3.6	NATIONAL GAS & OI
8232919		3412120000	108		NEWTON (STATE OF OHIO) #4		3.6	NATIONAL GAS & OI
8232921		3413000000	108		PFEFFER #2		5.5	NATIONAL GAS & OI
8232917		3412120632	108		VILLAGE OF CALDWELL #2		13.6	NATIONAL GAS & OI
8232908		3413000000	108		WARFIELD #1		16.2	NATIONAL GAS & OI
-OHIO OIL & GAS CO								
8232923		3415521586	107-TF	05/14/82	BAKOS #1	HARTFORD	20.0	COLUMBIA GAS TRAN
8232940		3415522528	107-TF		DENMAN #3	GUSTAVUS	20.0	COLUMBIA GAS TRAN
8232941		3415522057	107-TF		DENMAN #4	GUSTAVUS	20.0	COLUMBIA GAS TRAN
8232939		3415521393	107-TF		KOPERVAC #1	CORTLAND	20.0	COLUMBIA GAS TRAN
8232922		3415521714	102-2	107-TF	VALISKI #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
8232924		3415521950	107-TF		YOUNG #2	JOHNSTON	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO								
8232933		3411924349	108		RECEIVED: 05/14/82		19.0	NATIONAL GAS & OI
8232931		3411923730	108		AGNES BEISSER #1		1.5	NATIONAL GAS & OI
8232935		3411924816	108		CARL BRINGARDNER #1		21.0	NATIONAL GAS & OI
8232930		3411923629	108		CLIFF RAILIFFE #1		18.0	NATIONAL GAS & OI
8232926		3408923382	108		CLYDE RHODES #1		3.5	NATIONAL GAS & OI
8232927		3408923490	108		JESSE MONTGOMERY #1-A		0.0	NATIONAL GAS & OI
8232934		3411924725	108		JESSE MONTGOMERY #2-A		10.0	NATIONAL GAS & OI
8232929		3411923545	108		LEO PAUL #1		18.0	NATIONAL GAS & OI
8232925		3413123296	108		LULU FORD #1		20.0	NATIONAL GAS & OI
8232928		3411520478	108		ROBERT BORDEN #1		8.0	NATIONAL GAS & OI
8232932		3411923779	108		VAN HORN-BARR-REX #1		14.5	NATIONAL GAS & OI
8232936		3411923059	108		WALTER ABELE #1		20.0	NATIONAL GAS & OI
-P-I OIL & GAS PROG 81-1 LTD					WALTER DERRY #1		20.0	COLUMBIA GAS OF O
8232937		3415123610	103		RECEIVED: 05/14/82	NORTH CANTON	35.0	
8232938		3400721981	103		107-TF T KOHRER #1	ANDOVER		
-RESOURCE EXPLORATION INC					RECEIVED: 05/14/82			
8232942		3415723483	107-TF		107-TF HRABAL UNIT #6	UNION TOWNSHIP	0.0	AMERICAN ENERGY C
-RIMCO OPERATING INC					RECEIVED: 05/14/82			
8232954		3416922709	103		M J L #1		12.0	COLUMBIA GAS TRAN
8232958		3416923161	103		RECEIVED: 05/14/82	FRANKLIN	12.0	COLUMBIA GAS TRAN
8232959		3416923162	103		107-TF B WIRT #2	WEST SALEM	12.0	COLUMBIA GAS TRAN
8232960		3416923163	103		107-TF BOREMAN #1	WEST SALEM	12.0	COLUMBIA GAS TRAN
8232950		3416922413	103		107-TF BOREMAN #2	WEST SALEM	12.0	COLUMBIA GAS TRAN
8232949		3416922343	103		107-TF BOREMAN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8232952		3416922531	103		107-TF DANIELS #1	CHESTER	12.0	COLUMBIA GAS TRAN
8232961		3416923165	103		107-TF E STULL #1	FRANKLIN	12.0	COLUMBIA GAS TRAN
8232951		3416922443	103		107-TF J WIRT #1	WEST SALEM	12.0	COLUMBIA GAS TRAN
8232956		3416923110	103		107-TF KACHMAR #2	CHESTER	12.0	COLUMBIA GAS TRAN
8232946		3416922251	103		107-TF LADRACH #1	NEW PITTSBURG	12.0	COLUMBIA GAS TRAN
8232948		3416922342	103		107-TF LANDIS #4	CHESTER	12.0	COLUMBIA GAS TRAN
8232955		3416922715	103		107-TF OGDEN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8232945		3416922249	103		107-TF OGDEN #3	CLINTON	12.0	COLUMBIA GAS TRAN
8232943		3416922245	103		107-TF OSMUNDSEN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8232947		3416922256	103		107-TF PETERSON #1	CLINTON	12.0	COLUMBIA GAS TRAN
					107-TF SHRIVER #1			
					107-TF SHRIVER #2			



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8232957		3416923169	103	107-TF	STINE #1	CONGRESS	12.0	COLUMBIA GAS TRAN
8232953		3416922562	103	107-TF	STROCK #1	CHESTER	12.0	COLUMBIA GAS TRAN
8232944		3416922247	103	107-TF	WELLS #1	CLINTON	12.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)			RECEIVED:	05/14/82	JA: OH			
8232962		3416726943	107-DV		FRANKLIN BUEGEL #3	NEW MATANORAS	0.0	
8232963		3416726943	103		FRANKLIN BUEGEL #3	NEW MATANORAS	0.0	
8232964		3416726947	103		GEORGE B SHAPLEY #3	NEW MATANORAS	14.6	
-SANTA FE DRILLING CO INC			RECEIVED:	05/14/82	JA: OH			
8232965		3416723987	103		HOMER AND WYONA ANDERSON #1	SALEM	50.0	
8232966		3416724339	103		ROBERT AND REBECCA STILLE #2	SALEM	50.0	
-THE MUTUAL OIL & GAS COMPANY			RECEIVED:	05/14/82	JA: OH			
8232967		3411122657	103		ROSSI #6H	SUMMERFIELD	16.0	COLUMBIA GAS TRAN
-TIPKA - BARTLO OIL & GAS CO			RECEIVED:	05/14/82	JA: OH			
8232970		3405922702	103	107-TF	M & G HOLDERBAUM #3	WILLS	40.0	LIBBEY-OWENS-FORD
8232969		3405922701	103	107-TF	H HOLDERBAUM #4	WILLS	30.0	LIBBEY-OWENS-FORD
-TOWNER PETROLEUM CO			RECEIVED:	05/14/82	JA: OH			
8232978		3405923286	103	107-TF	BSA/BURNS #2	RICHLAND	0.0	TENNESSEE GAS PIP
8232976		3405923230	103	107-TF	C SHARP #1	EAST GUERNSEY	0.0	TENNESSEE GAS PIP
8232975		3405923223	103	107-TF	C STEEB #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8232973		3405923209	103	107-TF	DRINKWORTH #2	EAST GUERNSEY	0.0	TENNESSEE GAS PIP
8232971		3405923074	103	107-TF	DUVALL #1	EAST GUERNSEY	0.0	TENNESSEE GAS PIP
8232977		3405923272	103	107-TF	HALL #1	EAST GUERNSEY	0.0	TENNESSEE GAS PIP
8232972		3405923136	103	107-TF	J SUDETH #1	EAST GUERNSEY	0.0	TENNESSEE GAS PIP
8232974		3405923219	103	107-TF	ROBERT MATTHEW #1	GUERNSEY	0.0	TENNESSEE GAS PIP
***** OKLAHOMA CORPORATION COMMISSION *****								
***** ANADARKO CORPORATION COMPANY *****								
8232997	09898	3509321923	103	RECEIVED:	05/14/82	JA: OK	115.0	MICHIGAN WISCONSI
-B & J DEVELOPERS INC			RECEIVED:	05/14/82	JA: OK			
8233003	14146	3514722435	103		HUNT #1	WILDCAT	27.0	PHILLIPS PETROLEU
8233030	14136	3510524681	103		MASON #5	WILDCAT - CURL CREEK	18.0	ENICO PIPELINE CO
-BOSWELL ENERGY CORP			RECEIVED:	05/14/82	JA: OK			
8233012	15794	3510920476	102-4		RED FORK	E PRAIRIE BELL	0.0	PHILLIPS PETROLEU
8233011	15793	3510920476	102-4		SIMPSON DOLOMITE	E PRAIRIE BELL	0.0	PHILLIPS PETROLEU
8233010	15792	3510920476	103		SIMPSON DOLOMITE - RED FORK	E PRAIRIE BELL	0.0	PHILLIPS PETROLEU
-CLIFFORD RESOURCES INC			RECEIVED:	05/14/82	JA: OK			
8233006	14183	3507300000	103		GARMS #1-26	SOONER TREND	46.0	PHILLIPS PETROLEU
8233007	14182	3507300000	103		JINDRA #2-18	SOONER TREND	73.0	CONOCO INC
-COLORADO GAS COMPRESSION INC			RECEIVED:	05/14/82	JA: OK			
8233021	04206	3511921022	103		HILLHOUSE #1	SOUTH RIPLEY	30.0	
-COOK OPERATING CO			RECEIVED:	05/14/82	JA: OK			
8233001	14137	3511721042	103		K C #1	NORTH TERLTON	36.5	H J D CATTLE CO
-DONLARR EXPLORATION INC			RECEIVED:	05/14/82	JA: OK			
8233005	14163	3507323160	103		LAN #30 #1	SOONER TREND	153.0	AMINOIL USA INC
8233017	14164	3510321400	103		RODGERS #1	S W PERRY	29.0	AMINOIL USA INC
-GADSCO INC			RECEIVED:	05/14/82	JA: OK			
8233015	18478	3503928457	107-OP		GADSCO - LAUREN #1		365.0	TRANSWESTERN PIPE
-GEC PRODUCTION CO			RECEIVED:	05/14/82	JA: OK			
8233024	13907	3504921666	103		LOVE BAPTIST CHURCH #1	GOLDEN TREND	16.4	
-GULF OIL CORPORATION			RECEIVED:	05/14/82	JA: OK			
8233013	17078	3501722116	102-2		GLADYS BALYEAT #1-1	MUSTANG NORTH	140.0	
-HARPER OIL COMPANY			RECEIVED:	05/14/82	JA: OK			



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233018	13999	3507323259	103		CHOATE #2	WEST HENNESSEY	54.0	PHILLIPS PETROLEUM
8233019	14130	3509322000	103		LAUBHANS #1	SOONER TREND	90.0	PHILLIPS PETROLEUM
8233020	14131	3507322085	103		PERDUE #1	SOONER TREND	18.0	EASON OIL CO
-HAZELWOOD PRODUCTION & EXPLORATION								
8233014	17091	3501722282	102-4		RAY #1	DILWORTH	78.5	CITIES SERVICE GA
-HUNGERFORD OIL & GAS INC								
8233029	14128	3504722257	103		KIDD-MEWHERTER #1	ELKHORN	78.0	AMINOIL USA INC
8233028	14127	3504722682	103		KIDD-MEWHERTER #2	ELKHORN	33.6	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY								
8233009	14192	3504700000	108		BARNARD #1	ENID SOUTH EAST POOL	8.0	EXXON CORP
8233019	14027	3504700000	108		GARBER #1	NORTH ENID	7.0	CHAMPLIN PETROLEUM
8233008	14151	3505100023	108		L B BROWN #1	BRADLEY	4.0	PHILLIPS PETROLEUM
-LONG ROYALTY CO								
8232998	14078	3501700000	103		HANSKA #1	WEST CONCHO	0.0	PHILLIPS PETROLEUM
-M M RESOURCES INC								
8233002	14138	3511721146	103		TALLY #1	106.0	MID-AMERICA GAS L	
-PERKINS PRODUCTION CO								
8233004	14147	3504921623	103		CARL #1	WEST WHITEHEAD	18.0	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY								
8233031	14156	3513900000	108		BOREAH #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
8233025	13950	3513700000	108		DOYLE #33-02	DOYLE	5.0	AMINOIL USA INC
-RAINBOW VENTURES								
8233032	14176	3509322346	103		RAUCH 15A	RINGWOOD	0.0	PIONEER GAS PRODU
-RICHARD WHEELER JR								
8233016	11520	3508320885	103		HENKE #1	SOUTH ELKHORN	25.0	EASON OIL CO
-RICKS EXPLORATION CO								
8233023	12340	3513722367	103		REAY 1-18	STAGE SAND	527.0	NATURAL GAS OPERA
-SOUTHLAND ROYALTY CO								
8232865	13837	3509321521	108-ER		WHITENER #1-A	N E SEILING	30.0	MICHIGAN WISCONSI
-SOUTHPORT EXPLORATION INC								
8233020	04052	3505120663	103		WARD #A-1	NORTHWEST CHITWOOD	110.0	OKLAHOMA NATURAL
-STEVE JERNIGAN INC								
8233026	13908	3504722678	103		S TAYLOR #1	NW ELK HORN	0.0	EASON OIL CO
-TAYLOR INTERNATIONAL INC								
8233027	14105	3511921560	103		EDWARDS #1-11	WILDCAT	274.0	PARKS ENERGY INVE
-WESTERN PACIFIC PETROLEUM INC								
8233022	12296	3508300000	103				60.5	AMINOIL USA INC
-TENNESSEE OIL & GAS BOARD								
-CATOOSA EXPLORATION CORP								
8233055		4104920796	102-2		BRUNO GERNT #1	4.0	FENTRESS GAS TRAN	
8233054		4104920805	102-2		ERNEST NORRIS #1	5.0	FENTRESS GAS TRAN	
8233052		4104920818	102-2		PLATEAU PROPERTIES #6	6.2	FENTRESS GAS TRAN	
-CUMBERLAND OIL PRODUCING CO INC								
8233058		4112920329	108		B WOOLUM #1	0.0	EAST TENNESSEE NA	
8233033		4112920635	108		EARL SCOTT #1	4.0	EAST TENNESSEE NA	
8233035		4112920634	108		EARL SCOTT #2	4.0	EAST TENNESSEE NA	
8233038		4112920509	108		M STEELE #1	20.0	EAST TENNESSEE NA	
8233036		4112920449	108		O COLE #3	4.0	EAST TENNESSEE NA	
8233037		4112920622	108		O COLE UNIT #3	4.0	EAST TENNESSEE NA	
8233059		4112920680	108		PLATEAU PROPERTIES #5	6.0	EAST TENNESSEE NA	
8233034		4112921320	102-2		ROSCOE POTTER #1	75.0	EAST TENNESSEE NA	



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233040	-DIXIE-SHAMROCK OIL & GAS INC	4194928600	102-2	RECEIVED: 05/14/82	JA: TN	STOCKTON SW	2.7	
8233044		4104920706	102-2	GERNT-GERNT #3	JA: TN	STOCKTON SW	0.5	
8233043		4104920716	102-2	GERNT-GERNT #5	JA: TN	STOCKTON SW	0.5	
8233042		4104920712	102-2	GERNT-GERNT #6	JA: TN	STOCKTON SW	0.5	
8233041		4104920753	102-2	GERNT-GERNT #7	JA: TN	STOCKTON SW	1.0	
8233039		4104920765	102-2	GERNT-PLATEAU PROPERTIES #4	JA: TN	STOCKTON SW	0.7	
8233051	-HICKORY CREEK DEVELOPMENT CORP	4103120061	102-2	DICK SPEARS #5	JA: TN	HICKORY CREEK	75.0	EAST TENNESSEE NA
8233050		4103120068	102-2	MAX SELLARS UNIT #1	JA: TN	HICKORY CREEK	75.0	EAST TENNESSEE NA
8233046	-HUDSON RESOURCES	4112920710	102-4	ELLIS #1	JA: TN	NONE	48.2	INTRASTATE ENERGY
8233053	-JON E JONES	4104920819	102-2	ART & VIC GERNT #1	JA: TN	BURRVILLE	2.5	
8233056	-PARMA PETROLEUM CORP	4112920883	102-4	CLARENCE OLMSTEAD ETAL #1	JA: TN	NONE	21.9	INTRASTATE ENERGY
8233045	-RANDY HUDSON	4115120659	102-2	STORIE #1	JA: TN	NONE	36.5	INTRASTATE ENERGY
8233049	-SAINT JOSEPH PETROLEUM INC	4104920655	102-2	G STOCKTON & H STOCKTON #1	JA: TN	STOCKTON	18.0	
8233048	-SUNBRIGHT OIL & GAS INC	4112920880	103	BISHOP PAYNE #1	JA: TN	NONE	32.9	INTRASTATE ENERGY
8233057		4112920897	102-4	JOHN R FREELS #1	JA: TN	NONE	36.5	INTRASTATE ENERGY
8233247	-VOLUNTEER DRILLING CO INC	4115120795	102-4	ONEIDA FARMS #3-A	JA: TN	ONEIDA SOUTH	54.8	INTRASTATE ENERGY
8233287	UTAH DIVISION OF OIL, GAS, & MINING							
8232857	-AMOCO PRODUCTION CO	4304330167	102-2	ISLAND RANCHING "E" #2	JA: UT	ANSCHUTZ RANCH EAST	1825.0	EL PASO NATURAL G
8232856	-COASTAL OIL & GAS CORP	4304730835	107-TF	NATURAL BUTTES 50N2 (30-9-22)	JA: UT	NATURAL BUTTES	182.0	COLORADO INTERSTA
8233129	-BLUE CREEK GAS COMPANY	4701501917	103	CANNEL #1	JA: WV	PAINT CREEK	8.0	
8233130		4701501919	103	CANNEL #3	JA: WV	PAINT CREEK	3.0	
8233135	-ASHLAND EXPLORATION INC	4701900447	107-DV	EASTERN GAS & FUEL #71 - 090372	JA: WV	HENRY	30.0	COLUMBIA GAS TRAN
8233134		4701900448	107-DV	J F B PEYTON #3 - 090502	JA: WV	HENRY	22.0	COLUMBIA GAS TRAN
8233118	-CARSON PETROLEUM CORP	4701702821	107-DV	COX-GAIN #3A	JA: WV	ST CLAIR	20.0	COLUMBIA GAS TRAN
8233114	-J & J ENTERPRISES INC	4700121558	103	J-496	JA: WV	VALLEY	0.0	CONSOLIDATED GAS
8233138	-KEITH CRIMFIELD	4701303343	103	T P MCCUNE #2	JA: WV	ORMA	12.0	CABOT CORP
8233131		4701302843	108	M A DOWNEY #4	JA: WV	ORMA	4.0	CONSOLIDATED GAS
8233146	-KIOWA PETROLEUM CORP	4707301260	107-DV	C N POWELL #1	JA: WV	MCKIM DISTRICT ST MAR	73.0	COLUMBIA GAS TRAN
8233147		4707301297	107-DV	CATHERINE L SMITH #1	JA: WV	MCKIM DISTRICT ST MAR	90.0	COLUMBIA GAS TRAN
8233124	-L & M PETROLEUM INC	4707320807	108	DAVIS/WAGNER #2	JA: WV	UNION	10.0	COLUMBIA GAS TRAN



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233125		477320811	108		DAVIS/WAGNER #3	UNION	10.0	COLUMBIA GAS TRAN
8233127		477321082	108		HAROLD SMITH #1	UNION	8.0	COLUMBIA GAS TRAN
8233122		477320794	108		JAMES POWELL #4	UNION	10.0	COLUMBIA GAS TRAN
8233123		477320795	108		L C WAGNER #3	UNION	10.0	COLUMBIA GAS TRAN
8233128		477320825	108		ROBERT LAIDLEY #1	UNION	10.0	COLUMBIA GAS TRAN
8233126		477320825	108		W J ELLIOTT #1	UNION	10.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP			RECEIVED:	05/17/82	JA: WV			
8233121		477323584	103		J M COPELANDER #16	ELK DISTRICT	11.5	COLUMBIA GAS TRAN
8233120		471032123	103		JOHN MILLS JR #153	GRANT DISTRICT	3.7	CONSOLIDATED GAS
8233119		471032124	103		JOHN MILLS JR #154	GRANT DISTRICT	3.7	CONSOLIDATED GAS
-R & S GAS COMPANY			RECEIVED:	05/17/82	JA: WV			
8233143		4708505101	103		ELIZABETH CAMPBELL #5	MURPHY DISTRICT	10.0	CABOT CORP
8233145		4708500080	108		J W HEFNER #1	MURPHY DISTRICT	6.6	CABOT CORP
8233144		4708505105	103		LEROY MCCALLISTER #2	MURPHY DISTRICT	12.0	ROARING FORK GAS
-SENECA-UPSHUR PETROLEUM CO			RECEIVED:	05/17/82	JA: WV			
8233133		4738300220	108		J M HUBER #52	MIDDLE FORK	24.0	EQUITABLE GAS CO
8233132		4738300221	108		J M HUBER #53	MIDDLE FORK	24.0	EQUITABLE GAS CO
-SPARTAN GAS COMPANY			RECEIVED:	05/17/82	JA: WV			
8233141		4701100689	103		F W MCCULLOUGH #2	GRANT DISTRICT	3.6	COLUMBIA GAS TRAN
8233142		4710930860	103		Y & O COAL COMPANY	SLAB FORK	18.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC			RECEIVED:	05/17/82	JA: WV			
8233115		471501659	108		ALOI #14 SDP #141	BUFFALO DISTRICT	0.0	EQUITABLE GAS CO
8233117		471302969	108		CHENOWETH #111 SDP #111	WASHINGTON DISTRICT	7.6	COLUMBIA GAS TRAN
8233116		4701302966	108		CHENOWETH 110 SDP #110	WASHINGTON DISTRICT	14.0	COLUMBIA GAS TRAN
-TWI OIL CO			RECEIVED:	05/17/82	JA: WV			
8233137		4734103114	103		JAMES O KELLEY #1	COLLINS SETTLEMENT	0.0	CONSOLIDATED GAS
8233136		474103115	103		KELLEY KING #1	COLLINS SETTLEMENT	0.0	CONSOLIDATED GAS
-UNITED PETRO LTD			RECEIVED:	05/17/82	JA: WV			
8233140		4722103706	108		A N BAILEY #1	GLENVILLE SOUTH GAS F	8.0	COLUMBIA GAS TRAN
8233139		4702103707	108		MOLLIE BAILEY #1	GLENVILLE SOUTH GAS F	8.0	COLUMBIA GAS TRAN

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OTHER PURCHASERS

8233065 AMERADA HESS CORP  
8233066 AMERADA HESS CORP

## CORRECTIONS TO PREVIOUS NOTICES OF DETERMINATION

JD No.	JA	Applicant	Well Name	Orig. Date FERC Pub. in Vol. Federal Register No.	C: Correction to prior Fed. Register notice
82-25202	NM	Casing Pullers, Inc.	Yates "A" No. 7	634	C: Applicant, Well name
82-25321	OK	Latigo Oil & Gas Inc	Barby A-1	635	C: 108-ER approved, not 108
82-25584	TX	Clarion Resources Inc	Quarles B-1-85124	637	C: Well name
82-25585	TX	Clarion Resources Inc	Thompson-Bleeker #1-87208	637	C: Well name
82-25657	TX	Tom F. Marsh Inc	Pannell #1-2	637	C: Well name
82-26168	US(NM)	Wallen Production Co	Wallen Tonto #2	639	C: Well name
82-26181	NM	McClellan Oil Corp	"P2" Federal No. 1	639	C: 102-4 approved and 107PE
82-26665	NY	Anderson Oil Co	Anderson 24-23	640	C: approved
82-26789	OH	Collins-McGregor Operating Co	Mossman #1	641	C: Applicant
82-26905	OH	Strata Explo. Inc. LTD	#2 James Flynn	641	C: 103 Approved, 107-TF Denied
82-26914	OH	C J Warren Oil Co	McMillan #3	641	C: 107-TF Denied, not approved
82-26990	PA	Vincent Kutch	Holmes #2	641	C: 103 Approved, not denied
82-27503	TX	Cordova Resources Inc	Webb "B" #1	643	C: 107-PE approved, not 107-TF
82-27725	TX	Mobil Prdg Texas & New Mexico Inc.	Mary Miller #1	643	C: 108 approved, not 103 and 108
82-27726	TX	Mobil Prdg Texas & New Mexico Inc	Fee Land 277 #5	643	C: 108 approved, not 108-SA
82-27727	TX	Mobil Prdg Texas & New Mexico Inc	Vicars #2	643	C: Well name; 108 approved not 108-SA
82-27728	TX	Mobil Prdg Texas & New Mexico Inc.	LaGloria Gas Unit #85	643	C: 108 approved, not 108-SA
82-27729	TX	Mobil Prdg, Texas & New Mexico Inc.	W W Boyce #14	643	C: 108 approved, not 108-SA
82-27730	TX	Mobil Prdg Texas & New Mexico Inc.	State Vollmar #2	643	C: 108 approved, not 108-SA
82-27829	OK	D L B Energy Corp	Snyder #1	644	C: 102-4 & 103 approved
82-28196	US(NM)	Mobil Prdg. Texas & New Mexico Inc.	Federal RR Comm #1	646	C: 108 approved, not 108-SA

Kenneth F. Plumb,

Secretary.

[FR Doc 82-15883 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-C



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## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 8, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
*****								
TEXAS RAILROAD COMMISSION								
*****								
-A L SAUDER JR					RECEIVED: 05/18/82			
8233205	F-09-042492	4249700000	102-4	103	J J YOUNG #1			70.0 NATURAL GAS PIPE
-ADA OIL EXPLORATION CORP					RECEIVED: 05/18/82			
8233153	F-02-031441	4228500000	102-2		BELLINGER #1			100.0 VALERO TRANSMISSI
-ANAREX INC					RECEIVED: 05/18/82			
8233255	F-10-043897	4221131282	103		NORRIS #6-29			825.0 ARKANSAS LOUISIAN
-ANAX PETROLEUM CORPORATION					RECEIVED: 05/18/82			
8233349	F-03-048722	4215731230	102-4	103	CRIDER #1			1276.0 HOUSTON PIPE LINE
8233422	F-03-050282	4215731230	102-2		CRIDER #1			1270.0 HOUSTON PIPE LINE
-AMERADA HESS CORPORATION					RECEIVED: 05/18/82			
8233185	F-05-041052	4221330086	102-4		CHARLES C MONROE #1			550.0 LONE STAR GAS CO
-AMINOIL USA INC					RECEIVED: 05/18/82			
8233470	F-08-050701	4200333015	103		UNIVERSITY 29 #8 #3			28.0 EL PASO NATURAL G
-AMOCO PRODUCTION CO					RECEIVED: 05/18/82			
8233523	F-02-050916	4229732926	103		DUTY GAS UNIT #5			153.3 NATURAL GAS PIPE
8233436	F-8A-050533	4221933102	103		LEVELLAND UNIT #811			141.6 EL PASO NATURAL G
8233524	F-06-050919	4234730433	102-4		MAX W HART JR #1			365.0 UNITED GAS PIPELI
8233358	F-08-048837	4200333014	103		MIDLAND FARMS UNIT #553			2.5 AMOCO PRODUCTION
-ANADARKO PRODUCTION COMPANY					RECEIVED: 05/18/82			
8233525	F-10-050921	4221100000	103		NORRIS #A #2528			82.0 PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY					RECEIVED: 05/18/82			
8233403	F-08-049930	4210332635	103		BARNESLEY UNIT #42			3.7 WARREN PETROLEUM
8233404	F-08-049931	4210332636	103		BARNESLEY UNIT #43			3.7 WARREN PETROLEUM
8233310	F-08-046724	4236531260	102-2		107-TF S L DAVIS GAS UNIT #2			206.0 SOUTHERN NATURAL
8233459	F-7C-050656	4238331877	103		TEXON #8 #1			20.0 EL PASO NATURAL G
-ARKLA EXPLORATION COMPANY					RECEIVED: 05/18/82			
8233167	F-06-038857	4236531169	103		107-TF SIPES #1			41.0
-AUSTEX ENERGY CO INC					RECEIVED: 05/18/82			
8233293	F-78-045583	4236332730	102-4		J H & H MCCLURE #1 (098177)			67.0 SOUTHWESTERN GAS
-B D K PRODUCTION CO INC					RECEIVED: 05/18/82			
8233519	F-02-050899	4229700000	103		GOEBEL GAS UNIT #1			0.0 TRANSCONTINENTAL
-B J GIERHART INC					RECEIVED: 05/18/82			
8233196	F-03-041867	4228700000	102-2		SCHULTZE #1			0.0 PHILLIPS PETROLEU
-BAYTECH INC					RECEIVED: 05/18/82			
8233383	F-08-049420	4231732466	103		S W STEEL #1			0.0 NORTHERN NATURAL
-BISON EXPLORATION CO					RECEIVED: 05/18/82			
8233235	F-08-043597	4238900000	103		CHEVRON-STATE #1			100.0 VALERO TRANSMISSI
-BLUESKY OIL & GAS INC					RECEIVED: 05/18/82			
8233213	F-01-042727	4217730747	102-4		HARTMANN UNIT #1			0.0 VALERO TRANSMISSI
-BROCK PETROLEUM CORP					RECEIVED: 05/18/82			
8233347	F-03-048643	4205131883	102-2		BARITE #1			219.0 FERGUSON CROSSING



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BTA OIL PRODUCERS			RECEIVED:	05/18/82	JA: TX			
8233381	F-08-049380	4217331264	102-4		7613 JV-P COX "C" #6	BLALOCK LAKE SE (WOLF	18.0	PHILLIPS PETROLEUM
-CHAMBERS OIL & GAS INC			RECEIVED:	05/18/82	JA: TX			
8233208	F-02-042631	4225500000	102-4		B P GREEN #1	BIRDIE (CARRIZZO) 710	120.0	INTRASTATE GATHER
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	05/18/82	JA: TX			
8233163	F-06-038600	4236500000	103		107-TF CARTHAGE GAS UNIT 17 #4	CARTHAGE	0.0	TENNESSEE GAS PIP
8233315	F-08-046946	4243100000	102-2	103	J E WATSON #4	CONGER SW (PENN)	0.0	NORTHERN NATURAL
8233314	F-08-046945	4243100000	103		R L COPE #6	CONGER SW (PENN)	0.0	NORTHERN NATURAL
-CHEVRON U S A INC			RECEIVED:	05/18/82	JA: TX			
8233441	F-04-057556	4294701440	108		WESTIN OIL & GAS CO #1-49	ALTA MESA	5.1	TENNESSEE GAS PIP
8233331	F-7C-048154	4241331175	103		NEVA WEST #608	NEVA WEST (STRAUN)	0.0	ARCO OIL & GAS CO
8233330	F-7C-048153	4241331142	103		NEVA WEST #703	NEVA WEST (STRAUN)	0.0	ARCO OIL & GAS CO
-CIRCLE SEVEN PRODUCTION CO			RECEIVED:	05/18/82	JA: TX			
8233276	F-09-044681	4249731868	103		J C ROMINES #1 (ID NO )	BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
8233275	F-09-044678	4223733482	102-4		SHAWVER "B" #1 (ID NO )	LENORA (D-ZONE CONGL)	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY			RECEIVED:	05/18/82	JA: TX			
8233397	F-03-049845	4241332602	102-2		MCSWAIN "A" #1	BRYAN (GEORGETOWN)	157.0	PRODUCER'S GAS CO
8233396	F-03-049844	4204130620	102-2		MCSWAIN "B" #1 (15164)	GIDDINGS (AUSTIN CHAL	177.0	PRODUCER'S GAS CO
8233475	F-08-050717	420033010	103		NORTH DOLLARHIDE UNIT #110	NORTH DOLLARHIDE (DEV	13.0	UNION OIL CO OF C
8233474	F-08-050716	4238931218	103		PERKINS F #2	COLLIE (DELAWARE)	39.0	INTRATEX GAS CO
-CLAYTON W WILLIAMS JR			RECEIVED:	05/18/82	JA: TX			
8233165	F-03-038739	4205100000	102-2		JOHN SEE #4	GIDDINGS	0.0	VALERO TRANSMISSI
8233335	F-03-048383	4205100000	102-2		MARY GOLD #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8233189	F-03-041595	4228700000	102-2		ROY KIPP #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8233234	F-03-043583	4205100000	102-2		URBANOVSKY-BRYANT UNIT #2	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
-COSTA RESOURCES INC			RECEIVED:	05/18/82	JA: TX			
8233175	F-08-040296	4237133300	103		EATON #2 #26445	ABELL (PERMIAN GENERA	36.5	NORTHERN NATURAL
8233176	F-7C-040308	4238331724	103		HOWARD #3A #07950	CALVIN (DEAN)	118.6	PHILLIPS PETROLEUM
-CPC EXPLORATION INC			RECEIVED:	05/18/82	JA: TX			
8233210	F-03-042688	4214930576	102-2		KILIAN #1 LEASE NO 13859	GIDDINGS (BUDA)	100.0	PHILLIPS PETROLEUM
-CROWN CENTRAL PETROLEUM CORP			RECEIVED:	05/18/82	JA: TX			
8233287	F-10-042588	4235700000	108		M B WEICKER #257	SHARE FIELD (UPPER MU	9.0	NORTHERN NATURAL
-CROWN EXPLORATION CO			RECEIVED:	05/18/82	JA: TX			
8233522	F-7C-050913	4245180000	102-4		ROBERTSON #4	ALLEN HILL (STRAUN)	0.0	SEAGULL PIPELINE
8233521	F-7C-050911	4245100000	102-4		ROBERTSON #7	ALLEN HILL (STRAUN)	0.0	SEAGULL PIPELINE
-DE SOTO OPERATING CO			RECEIVED:	05/18/82	JA: TX			
8233424	F-7B-050299	4209330822	103		HADLEY SCOTT #1 (94546)	MITTIE (MARBLE FALLS)	100.0	LONE STAR GAS CO
-DELHI OIL CORP			RECEIVED:	05/18/82	JA: TX			
8233392	F-03-049763	4214900000	102-2		APPELL #6 (RRC # NOT ASSIGNED)	GIDDINGS (EDWARDS GAS	620.5	PHILLIPS PETROLEUM
-DELTA DRILLING CO			RECEIVED:	05/18/82	JA: TX			
8233253	F-06-043769	4236500000	102-2	103	CRNKO-8166S #1	CARTHAGE S E	0.0	WESTERN GAS CORP
8233253	F-06-043769	4236500000	107-TF		CRNKO-8166S #1	CARTHAGE S E	0.0	WESTERN GAS CORP
-DELTA OIL & GAS CO			RECEIVED:	05/18/82	JA: TX			
8233433	F-7B-050498	4242900000	103		A R KNIGHT "B" RRC #15415	STEPHENS COUNTY REGUL	9.3	WARREN PETROLEUM
8233520	F-7B-050910	4242900000	108		BOLES ORPHAN HOME RRC #89942	CADDO (ELLENBURGER MI	5.9	LONE STAR GAS CO
8233458	F-7B-050652	4242900000	103		DICK ATKINS 1 "A" RRC #89186	CRYSTAL FALLS EAST (C	0.0	SUN GAS TRANSMISS
8233457	F-7B-050645	4242900000	103		DICK ATKINS 2 "A" RRC #84716	CRYSTAL FALLS EAST (C	0.0	SUN GAS TRANSMISS
8233435	F-7B-050531	4242900000	108		GRANBERRY-CANDY RRC #75003	STEPHENS COUNTY REGUL	5.7	PETROLEUM CORP OF
8233449	F-7B-050587	4242900000	108		P B STEPHENS RRC #71166	STEPHENS COUNTY REGUL	7.0	PETROLEUM CORP OF
-DIAMOND SHAMROCK CORPORATION			RECEIVED:	05/18/82	JA: TX			
8233188	F-7B-041451	4236332551	103		CARL LITTLEFIELD GAS UNIT #1	J V T	300.0	
8233498	F-10-050807	4223300000	108		LUCAS #13	PANHANDLE	5.0	NORTHERN NATURAL
-DISCOVERY OPERATING INC			RECEIVED:	05/18/82	JA: TX			



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233394	F-08-049804	4211531592	103	RECEIVED:	SPECK #1	SPRABERRY (TRENDA AREA	21.6	PHILLIPS PETROLEU
8233193	F-06-041813	4242338458	103	RECEIVED:	EDWARDS #1	WEST CHAPEL HILL (PET	0.0	
8233194	F-08-041818	4243130986	103	RECEIVED:	FOSTER CONGER #19	W A M FUSSELLMAN	175.0	VALERO TRANSMISSI
8233339	F-08-048489	4243131002	103	RECEIVED:	WESTBROOK 28-4	WILDCAT (MONTROYA)	0.0	TEXAS UTILITIES F
8233154	F-10-034810	4217900000	108-ER	RECEIVED:	05/18/82 JA: TX	PANHANDLE WEST	19.0	NORTHERN NATURAL
8233491	F-8A-050765	4207900000	108	RECEIVED:	SHERIDAN NO 3 (24386)			
8233490	F-8A-050764	4207900000	108	RECEIVED:	05/18/82 JA: TX	LEVELLAND (SAN ANDRES	10.0	EL PASO NATURAL G
8233489	F-8A-050763	4207900000	108	RECEIVED:	MASTEN (66744) #2	LEVELLAND (SAN ANDRES	13.0	EL PASO NATURAL G
8233488	F-8A-050762	4207900000	108	RECEIVED:	MASTEN (69671) #5	LEVELLAND (SAN ANDRES	7.0	EL PASO NATURAL G
8233487	F-8A-050761	4207900000	108	RECEIVED:	MASTEN (69672) #6	LEVELLAND (SAN ANDRES		
8233486	F-8A-050760	4207900000	108	RECEIVED:	05/18/82 JA: TX	FORT STOCKTON (YATES	200.0	EL PASO NATURAL G
8233420	F-08-050232	4237133658	103	RECEIVED:	RADFORD NO 3 097745			
8233379	F-04-049361	4240931562	102-4	RECEIVED:	05/18/82 JA: TX	GERONIMO N (SLICK)	219.0	
8233284	F-11-044947	4221131354	103	RECEIVED:	GALLAGHER #1			
8233200	F-04-042396	4240930000	102-4	RECEIVED:	05/18/82 JA: TX	CANADIAN SW (MORROW/U	281.0	EL PASO NATURAL G
8233386	F-06-049507	4200131312	102-4	RECEIVED:	CAMPBELL #6			
8233472	F-06-050712	4200131285	102-4	RECEIVED:	05/18/82 JA: TX	MILLER RANCH S (FRIO	150.0	UNITED GAS PIPE L
8233473	F-06-050713	4200131245	102-4	RECEIVED:	MCCLENDON #1			
8233501	F-78-050815	4242900000	103	RECEIVED:	05/18/82 JA: TX	HOLLY SPRING (RODESSA	164.6	DELHI GAS PIPELIN
8233502	F-78-050816	4242931845	102-4	RECEIVED:	ELIZABETH S HUTCHINSON #1	BLACKFOOT SOUTH (RODE	84.3	DELHI GAS PIPELIN
8233503	F-78-050817	4213331638	102-4	RECEIVED:	ROLAND S ARTHUR #1	BLACKFOOT SOUTH (RODE	519.4	DELHI GAS PIPELIN
8233414	F-78-0450094	4205933341	102-4	RECEIVED:	THELMA HENRY #1			
8233265	F-08-044447	4222700000	103	RECEIVED:	05/18/82 JA: TX	CAL-M (ELLENBURGER)	21.0	BENGAL GAS TRANSH
8233150	F-12-029129	4228531451	102-2	RECEIVED:	ELLIOTT #1	CAL-M (LOUFFER)	237.0	BENGAL GAS TRANSH
8233215	F-02-042762	4217531509	103	RECEIVED:	ELLIOTT #2 (78108)	SITTERLE (4050)	139.0	BENGAL GAS TRANSH
8233156	F-75-035813	4214330529	103	RECEIVED:	T C WILLIAMS #1 (14807)	SCRANTON N W (LOUFFER)	19.0	BENGAL GAS TRANSH
8233287	F-01-045402	4249300000	102-4	RECEIVED:	WATTS -A- #1			
8233288	F-01-045403	4249300000	102-4	RECEIVED:	05/18/82 JA: TX	SE LUTHER	21.0	GETTY OIL CO
8233319	F-03-047423	4207131171	103	RECEIVED:	SE LUTHER UNIT #23-3	WOKD N	705.0	VALERO TRANSMISSI
8233426	F-08-050357	4249500000	108	RECEIVED:	107-TF W A EILERS #2	WILDCAT	313.0	HOUSTON PIPELINE
8233495	F-06-050793	4236530661	102-3	RECEIVED:	W DUDERSTADT #1			
8233429	F-8A-050451	4207330407	102-4	RECEIVED:	05/18/82 JA: TX	CINDY ANN (AUSTIN CHA	300.0	VALERO TRANSMISSI
8233317	F-08-047300	4200332875	103	RECEIVED:	SWANNER #2	CINDY ANN (AUSTIN CHA	300.0	VALERO TRANSMISSI
8233405	F-08-049982	4200332924	103	RECEIVED:	05/18/82 JA: TX	ANAHUAC (CHGD SHALLOW	220.0	ARMCO STEEL CORP
8233337	F-08-048463	4210332671	103	RECEIVED:	A D MIDDLETON A/C 1 #95	EMPEROR (DEVONIAN)	6.0	WEST TEXAS GATHER
8233505	F-08-050829	4200300000	108	RECEIVED:	EMPEROR DEVONIAN GAS UNIT 1 #1	CARTHAGE (COTTON VALL	676.0	ARMCO STEEL CORP
8233485	F-04-050749	4235531839	102-4	RECEIVED:	F W DONALD #2 (CEEC #500)	REKLAW (TRAVIS PEAK)	220.0	ARMCO STEEL CORP
8233471	F-04-050713	4227331560	103	RECEIVED:	FAUSTINE GUIDRY GAS UNIT 1-1	FULLERTON	15.0	PHILLIPS PETROLEU
8233484	F-04-050748	4235531820	102-4	RECEIVED:	FAULLERTON CLEARFORK UNIT #421	FULLERTON	15.0	PHILLIPS PETROLEU
8233377	F-08-049290	4200333776	103	RECEIVED:	FULLERTON CLEARFORK UNIT 2917	SAND HILLS (TUBB)	-60.0	EL PASO NATURAL G
8233518	F-03-050898	4201530488	103	RECEIVED:	J C TUBB A/C 1 #251L	THREE BAR (YATES)	6.0	NORTHERN NATURAL
8233418	F-04-048497	42216532244	102-4	RECEIVED:	J E PARKER A/C 7 #58	FLOR BLUFF (YATES)	32.0	ARMCO STEEL CORP
8233340	F-04-048497	4227333079	102-4	RECEIVED:	JOSIE MILLER ROSCOE #8 ID #09960	FLOR BLUFF (H-99)	913.0	ARMCO STEEL CORP
8233340	F-04-048497	4227333079	102-4	RECEIVED:	K R ALAZAN 368 (097626)	MADERO (J-24)	775.0	ARMCO STEEL CORP
8233340	F-04-048497	4227333079	102-4	RECEIVED:	L A WEEB #17 ID #97314	FLOR BLUFF (J-33)	15.0	PHILLIPS PETROLEU
8233340	F-04-048497	4227333079	102-4	RECEIVED:	MEANS	MEANS	15.0	PHILLIPS PETROLEU
8233340	F-04-048497	4227333079	102-4	RECEIVED:	MEANS/SAN ANDRES/UNIT #3462	RACCOON BEND (COCKFIE	72.5	TEXAS SOUTHEASTER
8233340	F-04-048497	4227333079	102-4	RECEIVED:	ROBERT G PAINE #37	ROBERTSON N (CLFK 710	15.0	PHILLIPS PETROLEU
8233340	F-04-048497	4227333079	102-4	RECEIVED:	ROBERTSON CLFK UNIT #8701	SANTA FE (ZONE 1)	15.0	NATURAL GAS PIPEL
8233340	F-04-048497	4227333079	102-4	RECEIVED:	SANTA FE RANCH 53 (097832)			



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JD NO	JA OKT	API NO	D SEC(1) SFC(2) WELL NAME	FIELD NAME	PROC	PURCHASER
8233327	F-04-047847	4213135128	102-4	V KOHLER A-137F ID #97544	18.3	TENNESSEE GAS PIP
8233494	F-03-050792	4240131285	103	WEBSTER FIELD UNIT #1321	36.0	HOUSTON PIPELINE
8233439	F-03-050538	4220121286	103	WEBSTER FIELD UNIT #2139	800.0	HOUSTON PIPELINE
8233486	F-04-051752	4213133983	102-4	YATES PANCH FEE #D-1 ID #85823	115.0	ARMCO STEEL CORP
8233393	F-7C-049802	4245100000	102-4	WOOD #1	204.9	PRODUCER'S GAS CO
8233273	F-08-044628	4200332895	103	THORNBERRY #13" #4 #26820	16.7	PHILLIPS PETROLEUM
8233272	F-08-044627	4200332897	103	THORNBERRY #13" #7 #26820	33.5	PHILLIPS PETROLEUM
8233271	F-08-044626	4200332824	103	THORNBERRY #5" #2 #26073	6.9	PHILLIPS PETROLEUM
8233431	F-04-050480	4247900000	103	FEC-CNR #21 093695	8.6	LONE STAR GAS CO
8233432	F-04-050482	4247900000	103	FEC-CNR #22 093417	26.5	LONE STAR GAS CO
8233266	F-08-044459	4210332604	103	CROLEY ESTATE #2	116.0	ODESSA NATURAL CO
8233360	F-04-048991	4213100000	108	MAYER JANE S - STATE #2	0.0	TENNESSEE GAS PIP
8233263	F-03-044413	4205131768	103	ARMETTA NELSON #1	0.0	FERGUSON CROSSING
8233264	F-01-044417	4233100000	103	H H COFFIELD-HILL A #1	0.0	FERGUSON CROSSING
8233303	F-03-046379	4205100000	103	SIMPSON #1	0.0	FERGUSON CROSSING
8233254	F-03-043881	4205100000	102-2	CHARLES SERESTA #1	0.0	FERGUSON CROSSING
8233277	F-03-044696	4205100000	102-2	F BOULDEN UNIT #1	0.0	FERGUSON CROSSING
8233298	F-03-046172	4205100000	102-2	I BALKE #1	0.0	FERGUSON CROSSING
8233294	F-03-044562	4205100000	102-2	W H GIESENCHLAG JR #1	0.0	FERGUSON CROSSING
8233182	F-08-040977	4207931369	103	XIT UNIT #182	1.5	CITIES SERVICE CO
8233513	F-09-050859	4223733329	102-4	05/18/82 JA: TX	216.0	SOUTHWESTERN GAS
8233514	F-09-050868	4223733332	102-4	EATHERLY #1	50.0	SOUTHWEST GAS PIP
8233515	F-09-050869	4223733382	102-4	EATHERLY-BETHESDA #1	100.0	LONE STAR GAS CO
8233516	F-09-050870	4223333900	102-4	WOODHOUSE #1	50.0	LONE STAR GAS CO
8233517	F-09-050871	4223334067	102-4	WOODHOUSE #2	100.0	LONE STAR GAS CO
8233197	F-05-041906	4229330558	103	05/18/82 JA: TX	0.0	TEXAS UTILITIES F
8233198	F-09-041907	4218133764	103	107-1F CARLTON GAS UNIT #1	0.0	TEXAS UTILITIES F
8233243	F-10-043731	4217900000	108	FLORENTINE ESTATE UNIT #1	0.6	COLTEXCO CORP
8233242	F-10-043732	4217900000	108	CAB "A" #1	0.6	COLTEXCO CORP
8233252	F-10-043747	4206500000	108	CAB "A" #3	0.3	GETTY OIL CO
8233251	F-10-043746	4206500000	108	COOPER "A" #1	0.8	GETTY OIL CO
8233250	F-10-043745	4206500000	108	COOPER "A" #2	0.8	GETTY OIL CO
8233249	F-10-043744	4206500000	108	COOPER "A" #3	0.8	GETTY OIL CO
8233248	F-10-043743	4206500000	108	COOPER "A" #4	0.8	GETTY OIL CO
8233247	F-10-043742	4206500000	108	COOPER "A" #5	0.8	GETTY OIL CO
8233246	F-10-043741	4206500000	108	COOPER "A" #6	0.8	GETTY OIL CO
8233245	F-10-043740	4206500000	108	COOPER "A" #7	0.8	GETTY OIL CO
8233241	F-10-043739	4217900000	108	COOPER "A" #8X	0.7	PHILLIPS PETROLEUM
8233209	F-10-042662	4217930830	103	DUN #3	17.0	PHILLIPS PETROLEUM
8233499	F-7C-050808	4210510140	108	EAST MORSE UNIT #23A	8.5	SHELL OIL CO
8233464	F-08-050675	4247532440	103	F R HENDERSON #6	8.0	CABOT CORP
8233244	F-10-043732	4217900000	108	HUTCHINGS STOCK ASSN #1149	2.0	CITIES SERVICE CO
8233333	F-08-048262	4237133690	103	I B HUGHEY /A/ #8	0.0	
				IVY B WEATHERBY #4		
				ROJO CABALLOS (DELAWA		



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROC	PURCHASER
8233411	F-09-050057	4218130811	102-4		R H PICKENS #8	N E SOUTHWAY	2.0	LONE STAR GAS CO
8233504	F-08-050818	4237133770	103		USM HILLIN #8 #1	USM (QUEEN)	146.0	NORTHERN NATURAL
-BUY I WARREN			RECEIVED:	05/18/82	JA: TX			
8233357	F-02-048794	4217500000	103		GUY WARREN FEE #3	CIRCLE "A" 2600' SAND	120.5	UNITED GAS PIPELI
-W & S PRODUCTION INC			RECEIVED:	05/18/82	JA: TX			
8233382	F-7B-049413	4249932862	103		WALKER #1	MOON MARBLE FALLS #39	106.0	LONE STAR GAS CO
-H-M OIL CO			RECEIVED:	05/18/82	JA: TX			
8233326	F-03-047758	4248132270	103		KOUNTZE & COUCH #1	HOLUB #6500	0.0	UNITED TEXAS TRAN
-HAJECATE OIL CO			RECEIVED:	05/18/82	JA: TX			
8233427	F-71-050368	4258731612	102-4		CROSS "S" RANCH SD #120-1 (098000)	CROSS "S" RANCH SUBD	183.0	VALERO TRANSMISSI
-HOME PETROLEUM CORPORATION			RECEIVED:	05/18/82	JA: TX			
8233220	F-06-042967	4245900000	103		107-1F IDA MAE BROWN #1	GILMER (COTTON VALLEY	183.7	WESTERN GAS CORP
-HUMBLE EXPLORATION CO INC			RECEIVED:	05/18/82	JA: TX			
8233156	F-03-037576	4228700000	102-2	103	VLASTA SIMEK #2	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-HUNT OIL COMPANY			RECEIVED:	05/18/82	JA: TX			
8233359	F-7C-048892	4246131763	102-4		V T AMACKER #6 78 #2	AMACKER-TIPPETT SW (W	156.0	EL PASO NATURAL G
-INDIAN WELLS OIL CO			RECEIVED:	05/18/82	JA: TX			
8233496	F-7C-050799	4223531869	103		CRAVENS #35-1	IRION W (CANYON)	0.0	NORTHERN NATURAL
8233226	F-7C-043191	4223531764	102-2		PROBANDT #70-2	PROBANDT (CANYON)	91.0	CRA INC
8233497	F-7C-050800	4223531854	103		RICHEY #3A-5	PROBANDT (CANYON)	0.0	NORTHERN NATURAL
8233336	F-7C-048387	4223531845	103		TANKERSLEY 711-1	IRION W (CANYON)	36.5	NORTHERN NATURAL
-INTERNORTH INC			RECEIVED:	05/18/82	JA: TX			
8233329	F-10-047926	4229531079	103		TERRELL 972 #1	FOLLETT (MORROW)	300.0	INTERNORTH INC
-INVESTK INC			RECEIVED:	05/18/82	JA: TX			
8233161	F-09-038444	4223700000	102-4		MARCUS HILL #1	HULL (CADDO "A") GAS	0.0	SOUTHWESTERN GAS
-J H PURVIS			RECEIVED:	05/18/82	JA: TX			
8233269	F-08-044527	4231732308	103		O L SNODGRASS #1	SPRABERRY (TREND AREA	4.4	AOUBE OIL & GAS C
-J M HUBER CORPORATION			RECEIVED:	05/18/82	JA: TX			
8233166	F-10-038820	4223330900	108		JOHNSON "B" #2A	PANHANDLE WEST	15.0	COLORADO INTERSTA
-J O BRUMMETT			RECEIVED:	05/18/82	JA: TX			
8233398	F-02-049860	4246900000	103		A KOUTEK AB #1	VICTORIA (3600)	120.0	VALERO TRANSMISSI
-J O B OPERATING CO			RECEIVED:	05/18/82	JA: TX			
8233410	F-06-050017	4207330456	102-4		C A CLAYTON #1	LARISSA (RODESSA)	606.0	LONE STAR GAS CO
-JAMES P GORDON			RECEIVED:	05/18/82	JA: TX			
8233415	F-7B-050396	4213333314	102-4		W W MASSEY #1	GAIL G (MARBLE FALLS)	115.0	LONE STAR GAS CO
-JOHN H HENDRIX CORP			RECEIVED:	05/18/82	JA: TX			
8233295	F-08-045680	4237133439	102-4	103	THIGPIN "A" #3	THIGPIN (DEVONIAN)	162.7	W WILSON CORP
-JOHN L COX			RECEIVED:	05/18/82	JA: TX			
8233192	F-8A-041764	4211531560	103		GRAVES "A" #2 RRC #12742	ACKERLY (DEAN SAND)	10.0	TEXACO INC
8233172	F-08-039889	4232931612	103		MABLE FOUNDATION "C" #1 RRC #NA	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
8233173	F-7C-039890	4238300000	103		MARY HUGHES #182 #1 RRC #NA	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8233239	F-7C-043626	4246131814	103		POWELL #13 #2	SPRABERRY (TREND AREA	10.0	MOBIL PROD TEXAS-
8233238	F-7C-043625	4246131813	103		POWELL #23 #2	SPRABERRY (TREND AREA	10.0	MOBIL PROD TEXAS-
8233237	F-7C-043622	4246131816	103		POWELL #26 #2	SPRABERRY (TREND AREA	10.0	MOBIL PROD TEXAS-
-L & L PETROLEUM CORPORATION			RECEIVED:	05/18/82	JA: TX			
8233299	F-02-046205	4246931274	103		C K MCCAN JR #2	SALEM	46.0	TEXAS EASTERN TRA
-LAUREL FUEL CO			RECEIVED:	05/18/82	JA: TX			
8233300	F-03-046211	4248132232	102-4		WINTERMAN "A" #1-C	BONUS S (MIOCENE #100	671.0	TRUNKLINE GAS CO
-LEAR PETROLEUM CORPORATION			RECEIVED:	05/18/82	JA: TX			
8233149	F-10-021092	4208700000	108-ER		BELL #2	EAST PANHANDLE	1.6	EL PASO NATURAL G
8233361	F-03-049002	4218530303	102-2		LEAR SELECTED LANDS #2	IOLA (SUBCLARKSVILLE)	1277.5	PRODUCER'S GAS CO
-LESTER CLARK			RECEIVED:	05/18/82	JA: TX			
8233453	F-7B-058686	4242931632	103		A A ATKINS #22	STEPHENS COUNTY REGUL	25.9	PETROLEUM CORP OF



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROL	PURCHASER
8233454	F-78-050607	4242931707	103		A A ATKINS #23	STEPHENS COUNTY REGUL	18.6	PETROLEUM CORP OF
8233492	F-78-050777	4242931700	103		A A ATKINS "A" #8	STEPHENS COUNTY REGUL	7.3	PETROLEUM CORP OF
8233460	F-78-050661	4242932838	103		A A ATKINS "A" #9	STEPHENS COUNTY REGUL	36.5	PETROLEUM CORP OF
8233452	F-78-050604	4242900000	103		BLACK "D" #1	STEPHENS COUNTY REGUL	18.3	PETROLEUM CORP OF
8233455	F-78-050608	4242931701	103		HENRY W HILL #3	STEPHENS COUNTY REGUL	36.9	PETROLEUM CORP OF
8233456	F-78-050609	4242931707	103		HENRY W HILL #4	STEPHENS COUNTY REGUL	4.0	PETROLEUM CORP OF
-LUCKY BIRD PETROLEUM, INC.			RECEIVED:	05/18/82	JA: TX	PANHANDLE	0.0	GETTY OIL CO
8233440	F-10-050551	4206530851	103		THORBURG #4	BREEDLOVE SOUTH (SPRA	67.3	NORTHERN NATURAL
-MABEE PETROLEUM CORP			RECEIVED:	05/18/82	JA: TX	WOODS (TRAVIS PEAK)	140.0	UNITED GAS PIPELI
8233476	F-08-050722	4231732359	103		BREEDLOVE "C" #3	BELLE BOWER (PETIT L	180.0	TENNESSEE GAS PIPE
-MARSHALL EXPLORATION INC			RECEIVED:	05/18/82	JA: TX	HAWKEYE (BLOSSOM SD)	36.0	UNITED GAS PIPELI
8233323	F-06-047692	4236531205	102-4		J B HOOKER #2	ROSEWOOD (COTTON VALL	43.8	WESTERN GAS CORP
8233316	F-06-047024	4236531385	103		SABINE ROYALTY #3	OAK HILL (COTTON VALL	215.0	HYDROCARBON TRANS
8233306	F-06-046479	4241930365	102-4	103	WATERS #2	OAK HILL (COTTON VALL	300.0	HYDROCARBON TRANS
-MCBRAYER OIL CORP			RECEIVED:	05/18/82	JA: TX	MINERAL WELLS S (STRA	0.0	INTRASTATE GATHER
8233461	F-06-050669	4245930500	103	107-TF	J R BARBER G U #1	MINERAL WELLS S (ATOK	0.0	INTRASTATE GATHER
-MCCORMICK OPERATING CO			RECEIVED:	05/18/82	JA: TX	MINERAL WELLS S (GEOR	299.0	INTRASTATE GATHER
8233217	F-06-042868	4240131250	103	107-TF	OVERTON GAS UNIT #2	ANTELOPE S (BRYSON) -	20.0	LONE STAR GAS CO
8233191	F-06-041617	4240131226	103	107-TF	RAIDER GAS UNIT #3	BULER NORTH (CLEVELAN	25.0	TRANSWESTERN PIPE
-MCKENZIE OPERATING CO INC			RECEIVED:	05/18/82	JA: TX	BULER NORTH (CLEVELAN	46.0	TRANSWESTERN PIPE
8233268	F-78-044486	4236300000	102-4		DYMENT #1-C	BULER NORTH (CLEVELAN	40.0	TRANSWESTERN PIPE
8233267	F-78-044485	4236300000	102-4		DYMENT #1-T	HANSFORD (MORROW UPPE	110.0	NORTHERN NATURAL
8233332	F-78-048206	4236300000	102-4		MOORE #1	CALDWELL N E (GEORGET	108.0	CLAJON GAS CO
-MCHAMON-BULLINGTON DRLG CO			RECEIVED:	05/18/82	JA: TX	PECOS VALLEY (HIGH GR	9.4	PERRY PIPE LINE C
8233425	F-09-050314	4223700000	102-4		BALL ELVERA "A" #1	PECOS VALLEY (HIGH GR	5.4	PERRY PIPE LINE C
-NEUBOURNE OIL COMPANY			RECEIVED:	05/18/82	JA: TX	PECOS VALLEY (HIGH GR	12.7	PERRY PIPE LINE C
8233230	F-10-043442	4235731031	103		HARDY #3 RRC ID #	PECOS VALLEY (HIGH GR	6.9	PERRY PIPE LINE C
8233308	F-10-046527	4235731170	103		HARDY #81-A" #1	PECOS VALLEY (HIGH GR	12.0	NATURAL GAS PIPEL
8233309	F-10-046576	4235731171	103		HARDY #81-B" #1	PECOS VALLEY (BEND CONG	12.8	NATURAL GAS PIPEL
8233387	F-10-049555	4235700000	103		TURNER "104" #1	PECOS VALLEY (BEND CONG	13.9	NATURAL GAS PIPEL
-MIDWAY OIL CORP			RECEIVED:	05/18/82	JA: TX	PECOS VALLEY (HIGH GR	140.0	LIQUID ENERGY COR
8233278	F-03-044778	4205131841	102-4		SUDA-LUKSA #2	PECOS VALLEY (HIGH GR	12.8	SOUTHWESTERN GAS
-MINERAL DEVELOPMENT INC			RECEIVED:	05/18/82	JA: TX	PECOS VALLEY (HIGH GR	9.0	NATURAL GAS PIPEL
8233354	F-08-048755	4237133543	103		SCHARFF-BLACKMON #6 #26915	MORRIS (CONSOL CONGL)	6.6	SOUTHWESTERN GAS
8233351	F-08-048752	4237133469	103		SCHARFF-BLACKMON "A" #2 #26915	JERMYN WEST (MARBLE F	12.0	NATURAL GAS PIPEL
8233352	F-08-048753	4237133467	103		SCHARFF-BLACKMON "A" #3 #26915	ALVORD (ATOKA CONGL)	12.8	NATURAL GAS PIPEL
8233353	F-08-048754	4237133484	103		SCHARFF-BLACKMON "A" #5 #26915	BOONSVILLE (BEND CONG	13.9	NATURAL GAS PIPEL
8233355	F-08-048756	4237133562	103		SCHARFF-BLACKMON "A" #8 #26915	POONSVILLE (BEND CONG	140.0	LIQUID ENERGY COR
8233356	F-08-048757	4237133561	103		SCHARFF-BLACKMON "A" #9 #26915	RENO (STRAWN 2900)	12.8	SOUTHWESTERN GAS
-MITCHELL ENERGY CORPORATION			RECEIVED:	05/18/82	JA: TX	STRAWN (N BEND CONGL)	75.0	SOUTHWESTERN GAS
8233279	F-78-044859	4236300000	108		A D CRAWFORD #2 45673	JERMYN WEST (CAODD)	12.0	NATURAL GAS PIPEL
8233148	F-09-017048	4249700000	108-ER		ANNIE HAMILTON #3 17351	BOONSVILLE (BEND CONG	12.5	NATURAL GAS PIPEL
8233281	F-09-044868	4250300000	108		C A MCMURTRY #2 93519	LAKE MIN WELLS (4000	6.0	SOUTHWESTERN GAS
8233469	F-09-050695	4249700000	108		FT BEND-ENSLEY #1 #68358	STEPHENS COUNTY REGUL	1.0	PHILLIPS PETROLEU
8233467	F-09-050688	4249700000	108		G A LEMBERG #2 #84156			
8233305	F-09-046488	4249700000	108		HENRY TACKEL #1C 31720			
8233350	F-78-048723	4236732114	102-4		J P REED #2			
8233231	F-08-043527	4236300000	108		JOHN RITCHIE #1 40841			
8233421	F-09-050236	4237330047	102-4		OLIVER LOVING #1 26273			
8233468	F-09-050692	4249700000	108		S L WILLIAMS #1 #36189			
8233233	F-78-043535	4236700000	108		SARA JANE HOWARD #1 79704			
8233280	F-78-044860	4242900000	108-ER		T RANDELL #1			
8233229	F-08-043349	4231732349	103		UNIVERSITY 13 #2 25268			



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JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8233232	F-09-043530	4223700000	108	RECEIVED:	YALE GRIFFIS #1 35782	BOONSVILLE (BEND CONG	12.8	NATURAL GAS PIPE
8233346	F-08-050577	4237133594	103	RECEIVED:	05/18/82 JA: TX	COYANOSA N (DELAWARE)	18.3	EL PASO NATURAL G
8233345	F-08-050575	4250131475	103	RECEIVED:	05/18/82 JA: TX	MASSON	80.7	SHELL OIL CO
8233480	F-08-050739	4235331533	103	RECEIVED:	05/18/82 JA: TX	IATAN EAST HOWARD	0.4	GETTY OIL CO
8233478	F-08-050737	4235331628	103	RECEIVED:	05/18/82 JA: TX	IATAN EAST HOWARD	0.4	GETTY OIL CO
8233479	F-08-050738	4235331629	103	RECEIVED:	05/18/82 JA: TX	IATAN EAST HOWARD	0.4	GETTY OIL CO
8233423	F-08-050295	4247532431	103	RECEIVED:	05/18/82 JA: TX	CAPRITO (DELAWARE MID	10.2	LONE STAR GAS CO
8233334	F-7C-048294	4210531826	102-2	RECEIVED:	05/18/82 JA: TX	BACHELOR HILL (GRAYBU	675.0	SOUTHWESTERN GAS
8233174	F-04-042330	4247900000	108	RECEIVED:	05/18/82 JA: TX	APACHE RANCH (OLMOS)	4.3	DELHI GAS PIPELIN
8233203	F-04-042408	4235531763	103	RECEIVED:	05/18/82 JA: TX	LUBY (3000)	200.0	HOUSTON PIPE LINE
8233402	F-01-043928	4217731061	102-2	RECEIVED:	05/18/82 JA: TX	PEACH CREEK (AUSTIN C	600.0	VALERO TRANSMISSI
8233270	F-04-044546	4221500000	103	RECEIVED:	05/18/82 JA: TX	SOUTH SHEPARD	500.0	VALERO INTERSTATE
8233390	F-10-049529	4235731175	103	RECEIVED:	05/18/82 JA: TX	WAKA S W (MARMATON)	18.0	PHILLIPS PETROLEU
8233388	F-10-049526	4235731069	103	RECEIVED:	05/18/82 JA: TX	PSHIGODA N (DES MOINE	15.0	PHILLIPS PETROLEU
8233274	F-10-044634	4235731081	102-4	RECEIVED:	05/18/82 JA: TX	TURNER S E (MORROW UP	360.0	TRANSMISSION PIPE
8233369	F-10-049528	4229500000	103	RECEIVED:	05/18/82 JA: TX	WILDCAT (CLEVELAND)	60.0	PHILLIPS PETROLEU
8233438	F-06-050537	4236500000	108	RECEIVED:	05/18/82 JA: TX	BETHANY (PETTIT)	0.0	TENNESSEE GAS PIP
8233391	F-04-049746	4240931501	102-4	RECEIVED:	05/18/82 JA: TX	MIDWAY S (JONES SAND)	8.0	
8233177	F-03-048357	4205100000	102-2	RECEIVED:	05/18/82 JA: TX	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8233178	F-03-048358	4205100000	102-2	RECEIVED:	05/18/82 JA: TX	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8233187	F-04-041410	4213135234	102-4	RECEIVED:	05/18/82 JA: TX	FITZSIMMONS N (3850)	91.0	VALERO TRANSMISSI
8233400	F-10-043890	4217900000	103	RECEIVED:	05/18/82 JA: TX	PANHANDLE-GRAY	64.0	PHILLIPS PETROLEU
8233218	F-08-042963	4217331106	103	RECEIVED:	05/18/82 JA: TX	SPRABERRY (TREND AREA	14.6	EL PASO NATURAL G
8233219	F-7C-042964	4217300000	103	RECEIVED:	05/18/82 JA: TX	SPRABERRY (TREND AREA	0.0	EL PASO NATURAL G
8233236	F-02-043600	4246931614	102-4	RECEIVED:	05/18/82 JA: TX	WILDCAT (S E SALEM 29	100.0	TEXAS EASTERN TRA
8233180	F-09-040646	4249700000	103	RECEIVED:	05/18/82 JA: TX	BOONSEVILLE (BEND CON	0.0	SOUTHWESTERN GAS
8233328	F-7B-047853	4236731944	102-2	RECEIVED:	05/18/82 JA: TX	WEATHERFORD (ATOKA MI	32.0	SOUTHWESTERN GAS
8233526	F-04-050955	4235500337	108	RECEIVED:	05/18/82 JA: TX	AGUA DULCE (BENTONVIL	14.0	UNITED GAS PIPE L
8233380	F-09-049370	4223700000	103	RECEIVED:	05/18/82 JA: TX	LYTLE CONGLOMERATE 7	120.0	LONE STAR GAS CO
8233261	F-08-044321	4210332448	103	RECEIVED:	05/18/82 JA: TX	SAND HILLS (MCKNIGHT)	150.0	WARREN PETROLEUM
8233262	F-08-044338	4210332437	103	RECEIVED:	05/18/82 JA: TX	SAND HILLS (MCKNIGHT)	250.0	WARREN PETROLEUM
8233204	F-08-042423	4210332428	103	RECEIVED:	05/18/82 JA: TX	SAND HILLS (JUDKINS)	1000.0	WARREN PETROLEUM
8233447	F-06-050578	4240100000	103	RECEIVED:	05/18/82 JA: TX	OAK HILL (COTTON VALL	878.0	LONE STAR GAS CO



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY								
8233164	F-10-038623	4223300000	RECEIVED:	05/18/82	CHAIN A #1	PANHANDLE HUTCHINSON	0.0	PANHANDLE EASTERN
8233512	F-10-050857	4217900000	103		EAST #2	PANHANDLE WHEELER	0.0	
8233282	F-10-044876	4217930959	108		EMIL #2	PANHANDLE GRAY	0.0	
8233260	F-10-044302	4217900000	103		GATSY #3	PANHANDLE GRAY	0.0	
8233151	F-10-030504	4221131214	103		HUMPHRIES E #1	WILSON DOUGLAS	274.0	
8233482	F-10-050741	4242100000	108		JASPER A #1	STRATFORD-MASSIVE	0.0	SHAMROCK OIL CO
8233481	F-10-050740	4223300000	108		JOHNSON HH #1	PANHANDLE WEST	0.0	EL PASO NATURAL G
8233256	F-19-043903	4217960889	103		MCCRACKEN #2	PANHANDLE WEST	0.0	
8233160	F-10-038146	4217930931	103		URBANCIK #2	PANHANDLE GRAY	0.0	
8233434	F-7C-050512	4238330239	108		WEATHERBY A #5	SPRAYBERRY (TREND ARE	6.0	NORTHERN NATURAL
8233483	F-10-050742	4242100000	108		WELDON #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
-PIONEER PRODUCTION CORPORATION								
8233297	F-10-045839	4229500000	RECEIVED:	05/18/82	OLLIE P SCOTT #1-336	LIPSCOMB SW (CLEVELAN	0.0	PIONEER CORP
-PLAINS OIL CO INC								
8233665	F-08-050676	4231700000	RECEIVED:	05/18/82	THELMA ANDERSON #1	SPRAYBERRY (TREND ARE	7.0	PHILLIPS PETROLEU
-PYRAMID EXPLORATION								
8233190	F-03-041615	4240730419	RECEIVED:	05/18/82	ELMORE #1	FLORES (10-H)	150.0	TEXAS EASTERN TRA
-R A W ENERGY CORP								
8233206	F-7B-042581	4236732095	RECEIVED:	05/18/82	BROWN #1-U RRC ID NOT ASSIGNED	GARNER	350.0	SOUTHWESTERN GAS
8233368	F-7B-049196	4236700000	102-4		DILL UNIT #1	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO LTD
8233373	F-7B-049201	4236700000	102-4		GANDEE-RANKIN UNIT #1	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO LTD
8233370	F-7B-049198	4236700000	102-4		JEFFERSON #1	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO LTD
8233369	F-7B-049197	4236700000	102-4		JOHN FLORENCE #1	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO LTD
8233372	F-7B-049203	4236700000	102-4		JORDAN #1	CABBAGE PATCH (ATOKA)	0.0	ALEDO GAS CO LTD
8233367	F-7B-049194	4236700000	102-4		SCHERER UNIT #1	CABBAGE PATCH (ATOKA)	0.0	ALEDO GAS CO LTD
8233371	F-7B-049199	4236700000	102-4		SHARPE UNIT #1-L	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO LTD
8233366	F-7B-049193	4236700000	102-4		SHAW UNIT #1	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO LTD
8233374	F-7B-049202	4236700000	102-4		WARD UNIT #1	CABBAGE PATCH (BIG SA	0.0	ALEDO GAS CO INC
-R E SMITH INTERESTS								
8233291	F-06-045543	4236531358	RECEIVED:	05/18/82	JA: TX	CARTHAGE (COTTON VALL	545.0	TEXAS EASTERN TRA
8233292	F-06-045544	4236531264	103		107-TF COPELAND UNIT #2 #4	CARTHAGE (COTTON VALL	545.0	TEXAS EASTERN TRA
-R W ENGELKE								
8233320	F-02-047498	4223931175	RECEIVED:	05/18/82	JOHN M BENNETT #B# #1	LASALLE (5725) PROPOS	0.0	TENNESSEE GAS PIP
-RANGER OIL CO								
8233286	F-03-045358	4205130482	RECEIVED:	05/18/82	JA: TX	SEALY (WILCOX M-2)	365.0	TEJAS/SOUTHWEST P
-REALTOS ENERGY CORP								
8233348	F-04-048693	4224931475	RECEIVED:	05/18/82	JA: TX	WILDCAT-PROPOSED CAPT	6.0	NUE WELLS PIPE LI
-REO INDUSTRIES INC								
8233417	F-10-050113	4223300000	RECEIVED:	05/18/82	JA: TX	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
8233463	F-10-050672	4223300000	103		WHITTENBURG 2-9	PANHANDLE HUTCHINSON	72.0	TRANS-PAN PIPELIN
-RHONDA OPERATING CO								
8233289	F-7B-045433	4214330688	RECEIVED:	05/18/82	JA: TX	WILLMAN (BIG SALINE)	36.5	SOUTHWESTERN GAS
-RICHEY EXPLORATION CO								
8233318	F-09-047422	4249732205	RECEIVED:	05/18/82	JA: TX	BOONSVILLE (BEND CONG	172.0	LONE STAR GAS CO
-RIDGE OIL CO								
8233448	F-7B-050580	4213333461	RECEIVED:	05/18/82	JA: TX	RANGER NW (MARBLE FAL	11.5	COMPRESSOR RENTAL
-ROBERT L MCCAMEY								
8233450	F-7B-050593	4215131361	RECEIVED:	05/18/82	JA: TX	ALKALI CREEK SW (FLIP	7.3	PALO DURO PIPELIN
-ROBINSON BROS DRILLING CO INC								
8233186	F-03-041136	4214930903	RECEIVED:	05/18/82	JA: TX	GIDDINGS (AUSTIN CHAL	13.0	PHILLIPS PETROLEU
-ROVER OIL CO								
8233477	F-7E-050736	4234932803	RECEIVED:	05/18/82	JA: TX	BROWN COUNTY REGULAR	14.0	ODESSA NATURAL CO



JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	RECEIVED:	DATE	WELL NAME	API NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	RECEIVED:	DATE	WELL NAME	PROD	PURCHASER	PAGE	009
8233259	F-09-040293	4249700000	-SABIO OIL & GAS INC	108	05/18/82	H CLAY RAMEY #1 ID #28542	JA: TX							15.0	NATURAL GAS PIPEL		
8233322	F-03-047690	4222530388	-SAMEDAN OIL CORPORATION	102-4	05/18/82	HESTER B #1	JA: TX							182.0	SOUTH TEXAS GATHE		
8233321	F-03-047668	4222530404	-SANTA FE WINDSOR PRODUCING CO	102-4	05/18/82	ST REGIS PAPER CO #0 #1	JA: TX							182.0	SOUTH TEXAS GATHE		
8233408	F-03-050014	4228731149	-SANTA FE WINDSOR PRODUCING CO	103	05/18/82	ADELIA UNIT #1	JA: TX							36.5	PERRY PIPELINE CO		
8233313	F-03-046920	4228731092	-SANTA FE WINDSOR PRODUCING CO	102-2	103	ADKINS #1	JA: TX							36.5	PERRY PIPELINE CO		
8233407	F-03-050013	4228731130	-SANTA FE WINDSOR PRODUCING CO	103	05/18/82	BEN UNIT #1	JA: TX							36.5	PERRY PIPELINE CO		
8233312	F-03-046919	4228731108	-SANTA FE WINDSOR PRODUCING CO	102-2	103	BESSIE #1	JA: TX							36.5	PERRY PIPELINE CO		
8233406	F-03-050012	4228731135	-SANTA FE WINDSOR PRODUCING CO	103	05/18/82	KELLY UNIT #1	JA: TX							6.0	PERRY PIPELINE CO		
8233409	F-03-050015	4228730984	-SANTA FE WINDSOR PRODUCING CO	103	05/18/82	LEM MACK UNIT #1	JA: TX							36.5	PERRY PIPELINE CO		
8233181	F-09-040784	4250334945	-SCANDRILL CO	103	05/18/82	CLARK #1	JA: TX							109.9	SUN GAS TRANSMISS		
8233341	F-09-048516	4223734206	-SCANDRILL CO	103	05/18/82	HENDERSON-BRIDGELL #16	JA: TX							33.6	TEXAS UTILITIES F		
8233345	F-09-048565	4223734041	-SCANDRILL CO	103	05/18/82	HINSON-BANNIN #1	JA: TX							32.9	TEXAS UTILITIES F		
8233221	F-09-042969	4250335112	-SEQUOIA FOSSIL FUELS INC	103	05/18/82	WILLIAM KURK #30	JA: TX							64.6	SUN GAS TRANSMISS		
8233385	F-08-049481	4205932847	-SEQUOIA FOSSIL FUELS INC	102-4	103	PRUET #A #1	JA: TX							45.0	SIoux PIPELINE CO		
8233437	F-04-050535	4221530812	-SHELL OIL CO	102-4	05/13/82	A A MCALLEN #B #11	JA: TX							150.0	VALERO TRANSMISSI		
8233428	F-04-050449	4221530960	-SHELL OIL CO	102-4	05/13/82	JONES RANCH #A #4	JA: TX							600.0	VALERO TRANSMISSI		
8233500	F-05-050813	4242932944	-SHOW PETROLEUM INC	102-4	05/18/82	R L CANTWELL #3 (17671)	JA: TX							27.0	LONE STAR GAS CO		
8233212	F-10-042717	4229531027	-STEVE JERNIGAN INC	103	05/18/82	DAISY #1-A	JA: TX							0.0	PHILLIPS PETROLEU		
8233240	F-01-043718	4250731556	-STRINGER OIL & GAS	103	05/18/82	ELIZABETH BARTLETT #B #1B	JA: TX							192.0	VALERO ENERGY COR		
8233346	F-01-048605	4212732179	-SUM EXPLORATION & PRODUCTION CO	103	05/18/82	BIG WELLS (SAN MIGUEL) UT #3137	JA: TX							3.0	HOUSTON PIPE LINE		
8233442	F-03-050570	4224531425	-SUM EXPLORATION & PRODUCTION CO	103	05/18/82	BROUSSARD & HERBERT #38	JA: TX							35.0	UNITED TEXAS TRAN		
8233375	F-03-049265	4207131124	-SUM EXPLORATION & PRODUCTION CO	103	05/18/82	C DOORNBOOS #6	JA: TX							18.0	UNITED TEXAS TRAN		
8233443	F-04-050571	4235500000	-SUM EXPLORATION & PRODUCTION CO	108	05/18/82	IOA WALKER #4	JA: TX							16.0	DELHI GAS PIPELIN		
8233444	F-08-050574	4200332977	-SUM EXPLORATION & PRODUCTION CO	103	05/18/82	NELLIE C MARTIN #8	JA: TX							50.0	PHILLIPS PETROLEU		
8233376	F-04-049278	4235531864	-SUN OIL COMPANY (DELAWARE)	103	05/18/82	RICHARD KING #329	JA: TX							87.0	DELHI GAS PIPELIN		
8233162	F-08-038451	4213533506	-TAURUS OIL CORP	103	05/18/82	EAST GOLDSMITH HOLY UNIT #29-2	JA: TX							5.0	PHILLIPS PETROLEU		
8233216	F-07-042843	4244330250	-TAURUS OIL CORP	103	05/18/82	ELLEN A WORD #C #1-A	JA: TX							1.0	EL PASO NATURAL G		
8233401	F-02-049898	4210332683	-TEE OPERATING CO	103	05/18/82	SOUTH ROBERDEAU 1A	JA: TX							18.3			
8233302	F-03-046343	4214931119	-TEE OPERATING CO	103	05/18/82	HELMCAMP #2	JA: TX							0.0	SOUTH CEN-TEX GAS		
8233152	F-03-031363	4247753381	-TEMPLETON ENERGY INC	102-4	103	WALKER #1	JA: TX							1.0			
8233296	F-02-045775	4212300000	-TENNECO OIL COMPANY	102-4	103	BRANDT #1	JA: TX							100.0	LONE STAR GAS CO		
8233169	F-04-038879	4221531060	-TENNECO OIL COMPANY	102-4	103	MCALLEN FIELDOIDE UNIT #48	JA: TX							650.0	TRUNKLINE GAS CO		
8233283	F-04-048896	4250132185	-TESORO PETROLEUM CORP	103	05/18/82	PRENTICE (6700*) CLEARFORK #723	JA: TX							1.0	AMOCO PRODUCTION		
8233227	F-02-043206	4205731094	-TEXACO INC	103	05/18/82	HUBBARD #1	JA: TX							1.0	CHANNEL INDUSTRIE		
8233517	F-02-051851	4237110200	-TEXACO INC	108	05/18/82	E DICKINSON #1	JA: TX							3.3	NEUCES CORP		
8233508	F-08-050852	4237100000	-TEXACO INC	108	05/18/82	H J EATON F #3	JA: TX							11.5	NEUCES CORP		



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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROE	PURCHASER
8233285	F-8A-045045	4221933308	103		IRA P DELOACHE #48	LEVELLAND	8.8	
8233509	F-08-050853	4249500000	108		J A THOMAS #1	EMPEROR (DEVONIAN)	15.7	WEST TEXAS GATHER
8233511	F-09-050855	4237000000	108		J D CRAFT #2	CATLIN (CADDO CONGLOM)	13.1	CITIES SERVICE CO
8233307	F-8A-046504	4250132056	103		ROBERTS UNIT #1725	WASSON	37.0	SHELL OIL CO
8233378	F-8A-049313	4250132067	103		ROBERTS UNIT #2725	WASSON	11.3	SHELL OIL CO
8233510	F-08-050854	4249500000	108		SETH CAMPBELL #8 ACT-1 #2	KERMIT SOUTH (DEVONIA)	6.5	WEST TEXAS GATHER
8233290	F-08-045466	4243130957	103		V E BROWNFIELD #3	CONGER (PENN)	0.0	VALERO TRANSMISSI
				RECEIVED:	05/18/82	JA: TX		
-TEXAS OIL & GAS CORP								
8233179	F-02-040397	4223931643	103		MCCAIG #1	STERLING (4800*)	0.0	DELHI GAS PIPELIN
8233171	F-02-039187	4212331137	103		MUSSELMAN H-1	BALFOUR (YEGUA 5350*)	0.0	DELHI GAS PIPELIN
				RECEIVED:	05/18/82	JA: TX		
-THE ANSCHUTZ CORPORATION								
8233466	F-04-050678	4202731008	102-4		RUPP NEIL 1-B RRC ID #97545	FALFURRIAS (RUPP)	461.0	
-THOMAS K TOMLINSON INC								
8233168	F-03-036858	4205100000	102-2		JAMES BURNS #1 RRC ID# NOT AVAIL	GIDDINGS (AUSTIN CHAL	140.0	CLAYTON GAS CO
				RECEIVED:	05/18/82	JA: TX		
-THROCKMORTON GAS SYSTEMS								
8233344	F-7B-048533	4244733053	102-4		CARPENTER #2 (17793)	BOHNER-KIMBELL (CADDO	0.0	WARREN PETROLEUM
8233170	F-7B-038904	4244731766	102-2		E E SMITH WELL NO 4 #66959	BRYLE SOUTH (CADDO UP	0.0	WARREN PETROLEUM
8233157	F-7B-037149	4244732260	102-4		RICHARDS #3-H 90239	RICHARDS RANCH (CADDO	0.0	WARREN PETROLEUM
8233257	F-7B-043918	4244731628	102-4		W L RICHARDS #B #1C (14166)	RICHARDS RANCH (HOME	0.0	WARREN PETROLEUM
8233258	F-7B-043919	4244731579	102-4		W L RICHARDS #B #5 (14166)	RICHARDS RANCH (HOME	0.0	WARREN PETROLEUM
				RECEIVED:	05/18/82	JA: TX		
-TIPPERARY OIL AND GAS CORP								
8233199	F-03-042022	4214931116	102-2		HYDROCARBON GATHERING #1	GIDDINGS (AUSTIN CHAL	100.0	PHILLIPS PETROLEU
-TOWNSEND CO								
8233412	F-7C-050089	4239900000	102-4		DICKINSON #5 (08629)	BALLINGER WEST (CAPPS	9.0	LONE STAR GAS CO
8233413	F-7C-050092	4239932040	102-4		DICKINSON #8 (08955)	BALLINGER WEST (GARDN	21.0	LONE STAR GAS CO
				RECEIVED:	05/18/82	JA: TX		
-TSPI INC								
8233399	F-10-049862	4206500000	103		JON ANN #5	PANHANDLE CARSON	50.0	PANHANDLE EASTERN
				RECEIVED:	05/18/82	JA: TX		
-TXO PRODUCTION CORP								
8233365	F-08-049115	4210931555	103		CATCLAW STATE #A #1	FORD WEST (4100)	12.0	CONOCO INC
8233214	F-03-042731	4248132226	102-4		DUNCAN B-5	EGYPT (6970*)	0.0	DELHI GAS PIPELIN
8233416	F-05-050106	4228930497	102-4		ELLIS #B #1	BEAR GRASS (PETIT)	0.0	
8233159	F-04-037701	4213135208	102-4		LOPEZ D-1 RRC#94696	J R (5618*)	0.0	VALERO TRANSMISSI
8233201	F-02-042179	4229732700	102-4		MCCLELLAND B-1	OAKVILLE (WILCOX 9700	0.0	DELHI GAS PIPELIN
8233183	F-04-041017	4221531107	102-4		PAINTER #7	MERCEDES (11-4-Q)	0.0	TENNESSEE GAS PIP
8233195	F-02-041834	4223931592	102-4		SCHAEFER G U #1	MCDANIEL (4100*)	0.0	UNITED GAS PIPELI
8233262	F-02-042236	4223931671	103		STAFFORD A-3	MORALES (3955*)	0.0	TENNESSEE GAS PIP
8233155	F-03-034863	4214930901	102-2	103	SVRCEK #1	GIDDINGS (AUSTIN CHAL	0.0	CLAYTON INC
8233338	F-08-048486	4237133667	103		WOODWARD #55	CHENOT (WOLF CAMP)	350.0	DELHI GAS PIPELIN
				RECEIVED:	05/18/82	JA: TX		
-U S MINERAL OPERATING CO INC								
8233343	F-04-048531	4213100000	102-4		BAZAN #1-C	FIVE GATES (COLE SAND	280.0	HOUSTON PIPELINE
8233342	F-04-048528	4213100000	102-4		BAZAN #1-T	FIVE GATES (UPPER YEG	280.0	HOUSTON PIPELINE
				RECEIVED:	05/18/82	JA: TX		
-U S OPERATING INC								
8233504	F-03-046441	4205131824	102-2		JIMMIE #1 RRC ID 97106	CLAY N E (DEEP)	0.0	PHILLIPS PETROLEU
				RECEIVED:	05/18/82	JA: TX		
-UNIT DRILLING & EXPLORATION CO								
8233324	F-10-047742	4229531096	103		HEIL #2	WILEY (TONKAWA)	37.0	PHILLIPS PETROLEU
				RECEIVED:	05/18/82	JA: TX		
-VENUS OIL COMPANY								
8233311	F-03-046844	4248100000	102-4		MOLLNAR #1	HUTCHINS SOUTHWEST (S	0.0	DOW CHEMICAL CO
				RECEIVED:	05/18/82	JA: TX		
-W H TAYLOR ESTATE								
8233362	F-10-049092	4217930986	103		TAYLOR RANCH (TEH) #31-R	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
8233363	F-10-049093	4217930987	103		TAYLOR RANCH (TEH) #34-R	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
8233364	F-10-049094	4217930985	103		TAYLOR RANCH (WHT) 11-R	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
				RECEIVED:	05/18/82	JA: TX		
-W L PENNINGTON INC								
8233184	F-10-041040	4208700000	105-ER		ST MARY 1-84	PANHANDLE EAST	0.0	EL PASO NATURAL G



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JD NO	JA OKT	API NO	D SEC(1) SEC(2)	WELL NAME	RECEIVED	JA: TX	PROD	PURCHASER
-W R EDWARDS JR								
8233488	F-10-050757	4223300000		BEARKILLER #11	103	JA: TX	150.0	PANHANDLE PRODUCT
8233462	F-10-050671	4223300000		LITTLE RASCALS #25	103		100.0	PANHANDLE PRODUCT
8233487	F-10-050756	4223300000		LITTLE RASCALS #27	103		100.0	PANHANDLE PRODUCT
-WAGNER & BROWN								
8233228	F-08-043337	4243130337		GLASS "D" #3-25	103	JA: TX	88.0	VALERO TRANSMISSI
-WALSH AND WATTS INC								
8233506	F-78-050843	4215131470		BOYD -D- (LEASE NO 10970) #9	103	JA: TX	10.0	LONE STAR GAS CO
-WALTER EXPLORATION INC								
8233301	F-09-046252	4233500000		J K BRITE "A" #1 (96561)	102-4	JA: TX	365.0	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL								
8233395	F-08-049842	4210331918		J B TUBB #28	103	JA: TX	75.0	EL PASO NATURAL GAS
8233384	F-08-049427	4210332722		J C BARNSLEY #7	103		3.2	EL PASO NATURAL GAS
-WEAVER OIL AND GAS CORPORATION								
8233419	F-06-050120	4210331263		J S CARROLL #1	103	JA: TX	110.0	LONE STAR GAS CO
-WES-TEX DRILLING COMPANY								
8233325	F-7C-047744	4243532533		VALLIANT #2	103	JA: TX	0.0	NORTHERN NATURAL
-WESLEY SENKEL INC								
8233430	F-09-050457	4250300000		O B HEARNE #3	102-4	JA: TX	256.0	SOUTHWESTERN GAS
-WESLEY STEPHENS								
8233451	F-09-050665	4250300000		MAHANEY "A" #5 ARC ID #94665	103	JA: TX	65.7	SUN GAS TRANSMISS
-WOODS PETROLEUM CORP								
8233211	F-8A-042699	4207931248		SLAUGHTER TRUST #1	102-4	JA: TX	10.0	WARREN PETROLEUM
-WORLDWIDE ENERGY CORPORATION								
8233493	F-06-050780	4242300000		WARREN A-1	102-4	JA: TX	0.0	SEMCO GAS INC
-XB ENERGY SERVICES INC								
8233225	F-01-043059	4216331984		ARTHUR HURT JR 2-B	103	JA: TX	0.0	TGP INC
8233224	F-01-043055	4216331987		ARTHUR HURT JR 6-B	103		0.0	TGP INC
8233223	F-01-043054	4216331959		ARTHUR HURT JR 7-B	103		0.0	TGP INC
8233222	F-01-043053	4216331983		ARTHUR HURT JR 8-B	103		0.0	TGP INC

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OTHER PURCHASERS

NATURAL GAS P L CO OF AMER  
 TEXAS UTILITIES FUEL CO  
 E I DUPONT DE\*NEMOURS & CO INC  
 VALERO TRANSMISSION CORP  
 NORTHERN NATURAL GAS CO  
 E I DUPONT DE\*NEMOURS & CO INC  
 COLTEXO CORP  
 DELHI GAS P L CORP  
 LONE STAR GAS CO  
 E I DUPONT DE\*NEMOURS & CO INC  
 E I DUPONT DE\*NEMOURS & CO INC  
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BILLING CODE 6717-01-C



The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before June 29, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 mile rule)  
102-3: New well (1000 ft rule)  
102-4: New onshore reservoir  
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressured brine  
107-CS: Coal seams  
107-DV: Devonian shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-15984 Filed 6-11-82; 8:45 am]

BILLING CODE 6717-01-M

### Office of Hearings and Appeals

Cases Filed; Week of April 30 Through  
May 7, 1982

During the week of April 30 through

May 7, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,  
Director, Office of Hearings and Appeals,  
June 7, 1982

### LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of April 30, 1982 through May 7, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 30, 1982	Empire State Petroleum Association, Albany, New York	HEA-0001	Appeal of Conservation and Renewable Energy Division Decision. If granted: The March 31, 1982, Decision issued by the Assistant Secretary for Conservation and Renewable Energy pursuant to Section 216 of the National Energy Conservation and Policy Act (4 U.S.C. § 8217) permitting the Long Island Lighting Company to sell and install residential solar water heating units would be rescinded.
Apr. 30, 1982	Marathon Oil Company, Washington, D.C.	HRZ-0062	Interlocutory Order. If granted: Landmark Inc.'s Statement of Objections submitted in response to the Proposed Remedial Order (Case Nos. HRO-0024 and 0025) issued to Marathon Oil Company would be stricken.
Apr. 30, 1982	Marathon Oil Company, Washington, D.C.	HRZ-0063	Interlocutory Order. If granted: Growmark Inc.'s Statement of Objections submitted in response to the Proposed Remedial Order (Case Nos. HRO-0024 and 0025) issued to Marathon Oil Company would be stricken.
Apr. 30, 1982	Marathon Oil Company, Washington, D.C.	HRZ-0064	Interlocutory Order. If granted: Township Oil Company's Statement of Objections submitted in response to the Proposed Remedial Order (Case Nos. HRO-0024 and 0025) issued to Marathon Oil Company would be stricken.
May 3, 1982	Mobil Oil Corporation/Office of Special Counsel, Washington, D.C.	HRS-0006	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the filing date of its Statement of Objections (Case No. HRO-0014).
May 3, 1982	Mobil Oil Corporation/Office of Special Counsel, Washington, D.C.	HRS-0007	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the filing date of its Statement of Objections (Case No. HRO-0016).
May 3, 1982	Mobil Oil Corporation/Office of Special Counsel, Washington, D.C.	HRS-0008	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the filing date of its Statement of Objections (Case No. HRO-0017).
May 3, 1982	Mobil Oil Corporation/Office of Special Counsel, Washington, D.C.	HRS-0009	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the filing date of its Statement of Objections (Case No. HRO-0022).
May 3, 1982	Mobil Oil Corporation/Office of Special Counsel, Washington, D.C.	HRS-0011	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the filing date of its Statement of Objections (Case No. HRO-0023).
May 4, 1982	Montague, Ted d/b/a Ted's Union Service Cupertino, California.	HRW-0018	Remedial Order Without Objection. If granted: The Proposed Remedial Order issued to Ted Montague d/b/a Ted's Union Service on August 14, 1982 would be issued as a final Remedial Order.
May 4, 1982	Redman Service Inc., Santa Monica, California	HEX-0026	Supplemental Order. If granted: The September 26, 1980, Remedial Order issued by the Office of Hearings and Appeals to Redman Service, Inc. (Case No. BRW-0067) would be rescinded.
May 6, 1982	Exxon Company, U.S.A., Washington, D.C.	HRR-0025	Request for Modification/Rescission. If granted: The November 12, 1981, dismissal letter issued to Exxon Company, U.S.A., dismissing Exxon Company, U.S.A.'s Motion to Dismiss the Proposed Remedial Order issued to it on May 29, 1981 would be rescinded.
May 6, 1982	State of Alaska, Anchorage, Alaska	HEE-0028	Exception from the Energy Conservation Program. If granted: The State of Alaska would be granted an exception from the requirement contained in 10 C.F.R. § 455.2 that a residential child care center provide care for at least ten minor persons in order to qualify for assistance under the National Energy Conservation Policy Act.
May 7, 1982	Arizona Fuels Corp./Cities Service, Tulsa, Oklahoma	HEJ-0020	Motion for Protective Order. If granted: Cities Service would enter into a Protective Order with Arizona Fuels Corporation regarding the release of proprietary information to Cities Service in connection with Arizona Fuels Corp.'s Application for Exception (Case Nos. BEH-0526, DEE-6984 and DEF-0526).

[FR Doc. 82-15920 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M



**Cases Filed; Week of May 7 through May 14, 1982**

During the week of May 7 through May 14, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of

publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

**George B. Breznay,**  
Director, Office of Hearings and Appeals.  
June 7, 1982.

**LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS**

[Week of May 7 through May 14, 1982]

Date	Name and location of applicant	Case No.	Type of submission
May 10, 1982	Economic Regulatory Administration/Marathon Oil Company, Washington, D.C.	HRR-0026	Request for Modification/Recission. If granted: The May 6, 1982, Decision and Order issued to Office of Special Counsel/Marathon Oil Company (Case Nos. HRZ-0050 thru HRZ-0055) would be modified regarding the last sentence on page 6.
May 10, 1982	Mobil Oil Corporation, New York, New York	HRS-0012	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the filing date of its Statement of Objections (Case No. HRO-0030).
May 10, 1982	Paul B. Woodall, Washington, D.C.	HFA-0055	Appeal of an Information Request Denial. If granted: The May 6, 1982, Information Request Denial issued by the DOE Director of Personnel would be rescinded, and Paul B. Woodall would receive access to certain personal medical records.
May 10, 1982	Whitaker Oil Company, Atlanta, Georgia	HEE-0029	Price Exception. If granted: Whitaker Oil Company would receive an exception from the provisions of 10 CFR Part 212, with respect to Whitaker's sales of petroleum products during the audit period of November 1, 1973 through November 31, 1974.
May 13, 1982	Arizona Fuels Corporation, Washington, D.C.	HGX-0027	Supplemental Order. If granted: The February 12, 1979, Decision and Order (Case Nos. DXE-0224 and DXE-1046) issued to Arizona Fuels Corp. by the Office of Hearings and Appeals would be modified as required by the May 5, 1982, Order issued by the Federal Energy Regulatory Commission.
May 13, 1982	Saveway Service Station Inc. & Auto Flite Co., Inc.	HRH-0009	Motion for Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened in connection with the Statement of Objections submitted by Saveway in response to a Proposed Remedial Order (Case No. DRO-0288).

**NOTICE OF OBJECTION RECEIVED**

[Week of May 7, 1982 to May 14, 1982]

Date	Name and location of applicant	Case No.
May 10, 1982	W. T. Waggoner Estate, Fort Worth, Texas	BEE-1399.

[FR Doc. 82-15821 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M

**Issuance of Decisions and Orders; Week of April 12 Through April 16, 1982**

During the week of April 12 through April 16, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

**Appeals**

*Cladouhos & Brashares; Nieter, Dixon, Whitmore, Myers & Koehlinger, 4/16/82; BFA-0699, BFA-0683*

The law firms of Cladouhos & Brashares and Nieter, Dixon, Whitmore, Myers & Koehlinger filed Appeals from denials by the Director of the Office of Safeguards and Security of the Requests for Information which the firms had submitted under the Freedom of Information Act (FOIA). In considering the Appeals, the DOE noted the

existence of a recent amendment to the Atomic Energy Act that prohibits the public dissemination of certain safeguards information regarding energy production or utilization facilities. Finding that the material sought by each appellant might arguably fall within the purview of the new provision, the DOE remanded the requests to the Safeguards Director, directing him to promptly release the materials or issue determinations that the documents are exempt from mandatory disclosure under the FOIA as a result of the amendment.

*Environmentalists, Inc., 4/16/82; BFA-0680*

Environmentalists, Inc. filed an Appeal from a partial denial by the Acting Manager of DOE's Savannah River Operations Office of a Request for Information which the organization had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain portions of the documents which were initially withheld under Exemption 3 could be released to the public without disclosing any classified materials. Accordingly, nonclassified portions of two documents were released to Environmentalists.

*National Wildlife Federation, 4/12/82; HFA-0043*

National Wildlife Federation filed an Appeal from a denial by the Bonneville Power Administration of a request for a waiver of search and copying fees imposed in connection with a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a fee waiver was in the public interest and, therefore, should be granted. Important issues that were considered in the Decision and Order were (i) the status of the requester as a representative of a bona fide interest group, (ii) the current public interest in the subject matter of the documents sought by the requester, and (iii) the status of the requester as a party in administrative proceedings against the government.

**Remedial Order**

*Fasgo, Inc., 4/16/82; BRO-1445, BRD-1445, BRH-1445*

The Office of Enforcement (OE) filed a Motion to Dismiss without prejudice a Proposed Remedial Order (PRO) issued to Fasgo, Inc. In considering the OE's Motion,



the DOE found that the firm would not be unduly burdened by having to respond to a revised PRO. Accordingly, the DOE dismissed the PRO without prejudice to the reissuance of a revised PRO to the firm.

#### Request for Modification and/or Rescission

*Economic Regulatory Administration; Energy Information Administration; Energy Systems, Inc., 4/13/82; BER-0066, BST-0358, BFA-0565*

The Economic Regulatory Administration and the Energy Information Administration filed a Petition for Reconsideration of the Freedom of Information Act (FOIA) appeal issued in *Foster Associates, Inc.*, 6 DOE ¶ 80,121 (1980). In that decision, the DOE ordered the release of the following specific data for each installation listed in the Major Fuel Burning Installation Coal Conversion Report (MFBI Report): (1) combustor capacity; (2) fuel use; (3) coal sulfur content; and (4) four digit Standard Industrial Classification (SIC) Code. In their joint submission, the ERA and the EIA contended that Exemption 4 of the FOIA permits the release of only the SIC Code. Energy Systems, Inc. filed a separate FOIA Appeal requesting the release of the above-listed information, as well as combustor age data and the total design firing rate of the plants. The DOE then issued a Notice in the Federal Register requesting interested parties to submit comments concerning the proper treatment under the FOIA of the information in dispute. After reviewing the ERA/EIA Petition, the Energy Systems Appeal, and the comments received, the DOE determined that the fuel use and combustor capacity figures should be withheld for seven of the firms in the MFBI Report that submitted comments. With respect to all other firms listed in the MFBI Report, the DOE concluded that it did not possess enough information to determine whether release of the fuel use and combustor capacity data would be likely to cause the firms substantial competitive harm. The DOE therefore remanded this question to the ERA. The DOE also determined that the ERA had failed to show that the release of the coal sulfur content figures, combustor age data, and total design firing rates would likely result in competitive harm to each firm listed in the MFBI Report. Accordingly, the DOE also remanded these issues to the ERA.

#### Requests for Exception

*Milder Oil Company, 4/13/82; BEE-1326*

Milder Oil Company filed an Application for Exception from its obligation to comply fully with the terms of a Consent Order the firm entered into with the ERA on December 12, 1977. The DOE determined that Milder failed to demonstrate that extraordinary circumstances exist which would warrant the relief requested. Accordingly, relief was denied. The important issue discussed in the Decision is the standard applicable to requests for exception relief from consent orders.

*Oasis Petroleum Corporation, 4/12/82; DEE-7983*

Oasis Petroleum Corporation filed an Application for Exception from the provisions

of 10 C.F.R. Part 212, Subpart L of the Mandatory Petroleum Price Regulations, in which the firm sought permission to be classified as a Class C reseller of crude oil for the purposes of calculating its maximum permissible selling prices for the period beginning on January 1, 1978. In considering Oasis' exception request, the DOE determined that the application to the firm of the provisions of the DOE regulations concerning the resale of crude oil resulted in a gross inequity which warranted exception relief. The DOE further determined that Oasis should be permitted to charge any price in the sales of crude oil during the period from January 1, 1978 through November 30, 1980 provided that its permissible average markup for each month does not exceed \$.20 per barrel. Accordingly, exception relief was granted.

*Powerine Oil Company, 4/12/82; DEE-2099, BEE-1619*

Powerine Oil Company, filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program) in which the firm requested that its entitlements sales position be increased in order to reduce its crude oil acquisition costs for its fiscal years ending January 31, 1979 and January 31, 1981. In considering the request, the DOE found that although Powerine had experienced a crude oil cost disparity relative to other California refiners during these two years, the firm had not suffered a significant financial hardship, nor had it experienced a permanent adverse shift in its competitive position. Thus, the firm did not qualify for relief under the general statutory standards of serious hardship, gross inequity, or unfair distribution of burdens. The DOE further concluded that Powerine did not qualify for relief under the *Delta* standards, since, as a net seller of entitlements the firm did not meet the threshold showing for consideration for *Delta* relief. Accordingly, exception relief was denied.

*Texaco, Inc., 4/13/82; DEE-1777*

Texaco, Inc., filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D in which the firm sought an order permitting it to sell at market prices all of the crude oil produced from the TS-1 and TS-3 wells on Platform A in the Cook Inlet, Alaska after workovers were performed. In considering the request, the DOE found that although the firm had gone ahead and made the capital investments before relief was granted, and without notifying the agency, exception relief was nonetheless necessary to prevent serious hardship to the firm. Accordingly, partial exception relief was granted. The important issues discussed in the Decision and Order are (i) DOE's authority to consider equitable factors in ruling on an exception request; (ii) the application of the "clean hands" doctrine; and (iii) the standards for ordering exception relief to encourage new investments in crude oil production.

*Office of Special Counsel, 4/13/82; BRD-0131, HRD-0005, HRD-0018, HRD-0021,*

The Office of Special Counsel sought discovery from Texaco, Inc., through four

separate motions. The DOE approved the parties' stipulation resolving most of the issues arising under those motions and ruled that "corporate state of mind" discovery should be limited through the application of a "responsible corporate official" concept utilized in previous cases.

#### Supplemental Orders

*Marathon Oil Company; Office of General Counsel, 4/12/82; HRX-0021*

On April 12, 1982, the DOE issued a Supplemental Order modifying *Marathon Oil Co.*, 9 DOE ¶ 84,012 (1982) (discovery order). In a previous Supplemental Order, issued on March 15, 1982, the DOE had dismissed those portions of a PRO issued to Marathon Oil Company that alleged that Marathon overstated its costs as a result of its improper treatment of inter-affiliate transfers of natural gas liquids and natural gas liquid products as "first sales" under 10 CFR Part 212, Subpart K. The April 12, 1982 Supplemental Order then rescinded those portions of *Marathon Oil Co.*, 9 DOE ¶ 84,012 (1982), that had ordered discovery relating to the "first sale" issue.

*Vickers Energy Corporation/K-G Oil Corporation, et al., 4/16/82; HFX-0017*

On April 16, 1982, the DOE issued a second determination addressing applications for refund filed in the Vickers Consent Order Proceeding. In a previously issued Decision and Order, the DOE had instituted special refund procedures for distribution of a fund obtained by the DOE through a consent order entered into by the agency and the Vickers Energy Corporation. *Office of Enforcement*, 8 DOE ¶ 82,597 (1981). In the April 16, 1982 determination, 15 applications for refund were granted, in a total dollar amount of approximately \$44,000. These applications were all filed by firms who purchased an average volume of 50,000 gallons per month or less and therefore were not required to provide information regarding unrecovered product costs. One application was denied in this determination because the refund requested was less than the \$15 minimum established in the Vickers refund proceeding.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

**George B. Breznay,**  
Director, Office of Hearings and Appeals.

June 7, 1982.

[FR Doc. 82-15922 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01-M



### Issuance of Proposed Decisions and Orders; Week of May 3 through May 7, 1982

During the week of May 3 through May 7, 1982, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 2.05, Subpart D) any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date and aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

June 7, 1982

George B. Breznay,

Director, Office of Hearings and Appeals.

Amoco Oil Company, Chicago, Illinois; HEE-0002 Crude Oil

Amoco Oil Company filed an Application for Exception from the provisions of 10 CFR §§ 212.69 and 212.131. The exception request, if granted, would permit Amoco to submit an amended ERA-49 entitlements report for its activities during the month of August 1980. On May 7, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be deemed.

Charter Oil Company, Jacksonville, Florida; HEE-0007 Crude Oil

Charter Oil Company filed an Application for Exception from the provisions of 10 CFR

§ 211.69. The exception request, if granted, would permit charter to file amended entitlements reports for April and May of 1980. On May 3, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Mt. Airy Refining; DEE-1496

Mt. Airy Refining Company filed an application for Exception from 10 CFR § 212.94, as modified by Special Rule No. 2, 44 Fed. Reg. 9372 (1979). Those provisions governed the prices refiner-sellers could charge under 10 CFR § 211.65. The firm requested that DOE direct refiner-sellers under the Buy/Sell program who had not yet satisfied that sales obligation for the October 1980 through March 1981 allocation period to sell Mt. Airy crude oil equal to its Buy/Sell allocation entitlement for that period. In considering the request, the DOE found that the firm had not experience a level or type of financial difficulty which warranted exception relief. The DOE also determined that any financial difficulty which the firm may have experienced was not attributable to DOE regulations, but to the type of refinery and the refining process used by the company. Accordingly, on May 6, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Stoudnour Atlantic Incorporated, Saxton, Pennsylvania; HEE-0014 Petroleum

Stoudnour Atlantic, Inc. (Stoudnour) filed an Application for Exception from the provisions of the EIA Reporting Requirements. The exception request, if granted, would permit Stoudnour to be relieved of its obligation to file Form EIA-9A. On May 7, 1982, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 82-15923 Filed 6-11-82; 8:45 am]

BILLING CODE 6450-01

### ENVIRONMENTAL PROTECTION AGENCY

#### Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Environmental Protection Agency.

[FRL 2146-5]

ACTION: Notice of schedule for awarding senior executive service bonuses.

NOTICE: Under guidelines issued by the Office of Personnel Management, agencies must publish a notice in the Federal Register of their schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the bonuses will be paid. In accordance with these guidelines, the Environmental Protection Agency gives notice of the intention to award Senior

Executive Service bonuses for the performance rating cycle of October 1, 1980 through September 30, 1981. Bonuses will be paid not earlier than July 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Clarence Hardy, Director, Personnel Management Division, Environmental Protection Agency, Washington, D.C. 20460; telephone (202) 382-3300.

Anne M. Gorsuch,  
Administrator.

June 7, 1982.

[FR Doc. 82-15943 Filed 6-11-82; 8:45 am]

BILLING CODE 6560-50-M

### FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

#### Request for Comments on the Proposed Revised Quarterly Report of Condition and Income Required of All Insured Commercial Banks

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of request for comments.

SUMMARY: The FFIEC is proposing a major revision of the Report of Condition and Income (the "Call Report") required quarterly by the Office of the Comptroller of the Currency for national banks, the Federal Reserve Board for state member banks and the Federal Deposit Insurance Corporation for state nonmember banks. The FFIEC proposes that the revised Report of Condition and Income be implemented as of the March 31, 1983, report date.

A major feature of the proposal is the addition and revision of supervisory data items to permit the more effective monitoring of individual bank condition and performance. This is particularly important given the environment of volatile interest rates and ongoing interest rate deregulation. The general thrust of the proposed new supervisory data applies to all sizes and types of banks and includes information on asset and liability maturities for interest rate sensitivity analysis; expanded averages of particular balance sheet items and additional income breakdowns for yield analysis; expanded data on past due, renegotiated, and non-accrual loans and leases, and charge-offs to assist in determining credit quality. Some current reporting requirements are proposed for elimination. Overall, however, the burden of reporting is increased, particularly for smaller banks.



**DATE:** Comments must be received on or before July 29, 1982.

**ADDRESS:** Comments should be sent to Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council, Eighth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219

**FOR FURTHER INFORMATION CONTACT:**

Rhoger H. Pugh, Chairman, Reports Task Force, Federal Financial Institutions Examination Council, Washington, D.C. 20219, (202) 447-1164.

**SUPPLEMENTARY INFORMATION:** The FFIEC is proposing a separate set of forms for each of three different categories of banks: One to be filed by all banks regardless of size that have any foreign offices—foreign branches or subsidiaries, Edge Act or Agreement subsidiaries or International Banking Facilities; another for banks exceeding \$100 million in total assets and having no foreign offices as defined above; and a third somewhat simplified report for banks having less than \$100 million in total assets.

Each commercial bank is being sent, along with a document describing the proposed revisions, the set of reports appropriate for its size or situation with respect to foreign offices. Any bank wishing to obtain copies of a report set other than the one it has received should direct its request to the Executive Secretary at the above address. Copies of the proposal along with the descriptive document are also being sent to all multibank holding companies, state banking supervisors, banking trade associations, the financial press, the Securities and Exchange Commission, and other interested federal agencies. Copies will be made available upon request to any other interested parties. Copies of working drafts of the proposed instructions for the report will also be made available upon request.

OMB Control Numbers 3064-0052 (FDIC); 1577-0090; -0081 (OCC); 7100-0036 (FRB)

**Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the current Reports of Condition and Income required of all insured commercial banks have been submitted to, and approved by, the Office of Management and Budget (OMB). The final version of the current proposal, to be developed after due consideration of the comments received, will be submitted to OMB.

Dated: June 9, 1982.

Robert J. Lawrence,  
Executive Secretary, FFIEC.

[FR Doc. 82-15961 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

**FEDERAL HOME LOAN BANK BOARD**

[No. AC-173]

**Westside Federal Savings and Loan Association of Seattle, Seattle, Washington; Final Action Approval of Conversion Applications**

Dated: June 9, 1982.

Notice is hereby given that on May 19, 1982, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 82-361 approved the application of Westside Federal Savings and Loan Association of Seattle, Seattle, Washington ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington, 98101.

By the Federal Home Loan Bank Board.  
J. J. Finn,  
Secretary.

[FR Doc. 82-15968 Filed 6-11-82; 8:45 am]

BILLING CODE 6720-01-M

**FEDERAL MARITIME COMMISSION**

[Independent Ocean Freight Forwarder License No. 2214]

**All International Freight Forwarders, Inc.; Order of Revocation**

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of All International Freight Forwarders, Inc. was cancelled effective June 3, 1982.

By letter dated May 13, 1982, All International Freight Forwarders, Inc., P.O. Box 522005, 8101 N.W. 60th Street, Miami, FL 33152 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder

License No. 2214 would be automatically revoked unless a valid surety bond was filed with the Commission.

All International Freight Forwarders, Inc., has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2214 be and is hereby revoked effective June 3, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2214 issued to All International Freight Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon All International Freight Forwarders, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-16000 Filed 6-11-82; 8:45 am]

BILLING CODE 6730-01-M

**Independent Ocean Freight Forwarder License Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

S & Z International Air Forwarders, Inc. d.b.a. International Freight Forwarding, P.O. Box 8778, Air Cargo Complex, Bldg. A, Bays 11 & 12, BWI Airport, MD 21240-0787. Officers: Ethel R. Zoet, President, Antonie Zoet, Vice President, Gregory J. McCloskey, Operations Manager.

Agencia Maritima International Inc., 4516 Spring Park Road, Jacksonville, FL 32207. Officers: Floyd A. De Osca, President, Lloyd De Osca, Secretary, Gregory De Osca, Stockholder, Kevin De Osca, Stockholder, Kirk De Osca, Stockholder, Cindy De Osca, Stockholder.

Maritime Freight Brokers, Inc., 1635 Orchard Drive, Annapolis, MD 21401. Officers: Richard M. Williams, President/Director/Stockholder, Henry Waley, Secretary. Daniel Landsbaum, 1616 Creve Coeur Mill Road, St. Louis, MO 63141.

Aircontact Inc., d.b.a. Viking Transport, 2001 Marcus Avenue, Lake Success, NY 11042. Officer: Angelo Pusateri, President.



By the Federal Maritime Commission.  
 Dated: June 9, 1982.  
**Francis C. Hurney,**  
*Secretary.*  
 [FR Doc. 82-16003 Filed 6-11-82; 8:45 am]  
 BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder  
 License No. 1566-R]

**Nationwide International Forwarders &  
 Brokers, Inc.; Order of Revocation**

On May 20, 1982, Nationwide International Forwarders & Brokers, Inc., 1400 NE., 125th Street, North Miami, FL 33161 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1566-R.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981:

It is ordered, that Independent Ocean Freight Forwarder License No. 1566-R issued to Nationwide International Forwarders & Brokers, Inc., be revoked effective May 20, 1982 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1566-R issued to Nationwide International Forwarders & Brokers, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Nationwide International Forwarders & Brokers, Inc. **Albert J. Klingel, Jr.,**  
*Director, Bureau of Certification and Licensing.*

[FR Doc. 82-15999 Filed 6-11-82; 8:45 am]  
 BILLING CODE 6730-01-M

**Security for the Protection of the  
 Public—Indemnification of Passengers  
 for Nonperformance of  
 Transportation; Issuance of Certificate  
 (Performance)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

K/S A/S Sunward II, A/S Sunward II and Klosters Rederi A/S d/b/a Norwegian Caribbean Lines, c/o Norwegian Caribbean Lines, One Biscayne Tower, Miami, Florida 33131

Dated: June 9, 1982.  
**Francis C. Hurney,**  
*Secretary.*  
 [FR Doc. 82-16002 Filed 6-11-82; 8:45 am]  
 BILLING CODE 6730-01-M

**Security for the Protection of the  
 Public—Financial Responsibility To  
 Meet Liability Incurred for Death or  
 Injury to Passengers or Other Persons on Voyages; Issuance of Certificate  
 (Casualty)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

K/S A/S Sunward II, A/S Sunward II and Klosters Rederi A/S d/b/a Norwegian Caribbean Lines c/o Norwegian Caribbean Lines, One Biscayne Tower, Miami, Florida 33131

Dated: June 9, 1982.  
**Francis C. Hurney,**  
*Secretary.*  
 [FR Doc. 82-16001 Filed 6-11-82; 8:45 am]  
 BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM**

**Acquisition of Bank Shares by Bank  
 Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Atlanta**  
 (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *The Colonial Bancgroup, Inc.*, Montgomery, Alabama; to acquire 80 percent of the voting shares or assets of Exchange National Bank of Montgomery, Montgomery, Alabama. Comments on this application must be received not later than July 7, 1982.

**B. Federal Reserve Bank of Minneapolis:** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Hopkins Financial Corporation*, Mitchell, South Dakota; to acquire 76 percent of the voting shares or assets of Day County Bank, Webster, South Dakota. Comments on this application must be received not later than July 7, 1982.

**C. Federal Reserve Bank of Dallas**  
 (Anthony J. Montelaro, Assistant Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Unicorp Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of Unitedbank—I 10 West, N.A., Katy, Texas. Comments on this application must be received not later than July 7, 1982.

2. *RLG Bancshares, N.V., and its subsidiary, First Western Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of First Western Bank—Westwood, N.A., Houston, Texas, a proposed new bank. Comments on this application must be received not later than July 7, 1982.

**D. Secretary, Board of Governors of the Federal Reserve System,**  
 Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of First City National Bank of Fort Worth, Fort Worth, Texas. This application may be inspected at the Federal Reserve Bank of Dallas. Comments on this application must be received not later than July 7, 1982.

Board of Governors of the Federal Reserve System, June 7, 1982.

**William W. Wiles,**  
*Secretary of the Board.*

[FR Doc. 82-15905 Filed 6-11-82; 8:45 am]  
 BILLING CODE 6210-01-M

**Acquisition of Bank Shares by Bank  
 Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).



Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Detroit Bank Corporation*, Detroit, Michigan; to acquire 100 percent of the voting shares or assets of The National Bank of Jackson, Jackson, Michigan. Comments on this application must be received not later than July 8, 1982.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *International Bancorp*, Denver, Colorado; to acquire 100 percent of the voting shares or assets of International Bank North, Federal Heights, Colorado. Comments on this application must be received not later than July 8, 1982.

**C. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Tahoka First Bancorp, Inc.*, Tahoka, Texas; to acquire 80 percent of the voting shares or assets of Cedar Creek Bank, Seven Points, Texas. Comments on this application must be received not later than July 8, 1982.

Board of Governors of the Federal Reserve System, June 8, 1982.

James McAfee,  
Associate Secretary of the Board.

[FR Doc. 82-15008 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 7, 1982.

**A. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (sale of travelers checks; Hawaii): To engage through a *de novo* office of its subsidiary, Citicorp (USA), Inc. in the sale of travelers checks. The *de novo* office would be located at the Honolulu International Airport, Honolulu, Hawaii and would serve individuals at the airport.

2. *Citicorp*, New York, New York (credit related insurance activities; Georgia): To expand the service area of an existing office of its subsidiary, Citicorp Acceptance Company, Inc., located in Atlanta, Georgia. The proposed expanded service area shall include the entire state of Georgia for the previously approved activity of the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Acceptance Co., Inc.

**B. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation*, Los Angeles, California (financing and credit-related insurance activities; California): To engage through its subsidiary Security Pacific Finance Corp., in making or acquiring for its own

account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance related life, accident and health insurance and credit-related property and casualty insurance. The activities would be conducted from an office of Security Pacific Finance Corp., located in Pasadena, California, serving the State of California.

Board of Governors of the Federal Reserve System, June 8, 1982.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 82-15003 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate



Federal Reserve Bank not later than July 2, 1982.

**A. Federal Reserve Bank of Boston**  
(Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island (formerly Industrial National Corporation; mortgage banking activities; Michigan): To engage through its indirect subsidiary, Mortgage Associates, Inc., in the servicing of residential mortgage loans and loans secured by junior liens on residential real estate. These activities would be conducted from a new office to be located in Southfield, Michigan serving the counties of Genesee, Lapeer, Macomb, Monroe, Oakland, St. Clair, Sanilac and Wayne, all in Michigan.

**B. Federal Reserve Bank of Richmond**  
(Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *The Wachovia Corporation*, Winston-Salem, North Carolina (mortgage banking and insurance activities; South Carolina): To engage, through its subsidiary, Wachovia Mortgage Company, in providing mortgage banking services, including the origination and processing of residential, construction, development, and income property mortgage loans, the purchase and sale or placement or mortgage loans, the administration and servicing of mortgage loans, the management and sale of properties acquired through foreclosure or transfers in lieu of foreclosure, and acting as agent for credit life and accident and health insurance and for property and casualty insurance related to extensions of credit. These activities would be conducted from an office located in Greenville, South Carolina, serving the Greenville SMSA.

**C. Federal Reserve Bank of San Francisco**, (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; *de novo* office; Kentucky): To engage, through its indirect subsidiary, FinanceAmerica Credit Corporation, a Delaware corporation, in the activities of making or acquiring for its own account loans and other extensions or credit such as are made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in the State of Kentucky. Such activities will include, but not be

limited to, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Credit Corporation. These activities will be conducted from a *de novo* office located in Lexington, Kentucky, serving the entire State of Kentucky.

2. *BankAmerica Corporation*, San Francisco, California (financing and servicing activities; *de novo* commercial loans office; all fifty (50) States and the District of Columbia): To engage, through its proposed indirect subsidiary, Sea Ray Credit Corporation ("Sea Ray"), a proposed Delaware corporation, in the activities of making loans and extending credit, servicing loans and other extensions of credit for itself and others, and providing services incidental to such loans and extensions of credit such as are made or provided by a finance company. Such activities will include, but not be limited to, providing funds, and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products. No credit-related insurance of any type will be offered by Sea Ray in connection with its lending activities. Sea Ray's activities will be conducted from a *de novo* office located in Columbus, Ohio, serving all fifty (50) States and the District of Columbia.

Board of Governors of the Federal Reserve System, June 8, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-15904 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 8, 1982.

**A. Federal Reserve Bank of New York**  
(A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and insurance activities; Texas): To engage, through its subsidiaries, Citicorp Person-to-Person Financial Center, Inc., and Citicorp Homeowners, Inc., in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the making, acquiring, and servicing for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or nonresidential real estate; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. These activities would be conducted from offices in Houston, Texas, serving the State of Texas.



2. *Citicorp*, New York (consumer finance and insurance activities; California): To engage, through its subsidiary, *Citicorp Homeowners, Inc.*, in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with *Citicorp Homeowners, Inc.*, to the extent permissible under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of *Citicorp Homeowners, Inc.* These activities would be conducted from an office in Orange, California, serving the State of California.

3. *Citicorp*, New York, New York (consumer finance and insurance activities; California): To engage, through its subsidiary, *Citicorp Homeowners, Inc.*, in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with *Citicorp Homeowners, Inc.*, to the extent permissible under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; the servicing, for

any person, of loans and other extensions of credit; the making, acquiring and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of *Citicorp Homeowners, Inc.* These activities would be conducted from an office in Industry, California, serving the State of California.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Klein Bancorporation, Inc.*, Chaska, Minnesota (underwriting credit life, health and accident insurance; Minnesota): Proposes to engage, through a subsidiary, *Klein Life Insurance Company ("Company")*, in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's credit-granting subsidiary banks. Company will be qualified to underwrite insurance directly only in Arizona. Accordingly, insurance sold by Applicant's subsidiary banks in Minnesota will be underwritten directly by an affiliated company, *North Central Life Insurance Company*, qualified to do business in Minnesota and will be assigned or ceded to Company under an reinsurance and other related agreements. Such activity will be conducted from *Klein Bancorporation, Inc.*'s subsidiary banks located in Chaska, Minnesota, Cologne, Minnesota, Madison, Minnesota, Montevideo, Minnesota, Victoria, Minnesota, Waconia, Minnesota and Young America, Minnesota, serving each bank's local trade area.

Board of Governors of the Federal Reserve System, June 8, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-15907 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the

applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Vermont Financial Services Corp.*, Brattleboro, Vermont; to become a bank holding company by acquiring 100 percent of the voting shares of *Vermont National Bank*, Brattleboro, Vermont. Comments on this application must be received not later than July 7, 1982.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Southwest Georgia Bankshares, Inc.*, Americus, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of *Bank of Commerce, Americus, Georgia*. Comments on this application must be received not later than July 7, 1982.

2. *United American of Northwest Florida, Inc.*, Pensacola, Florida; to become a bank holding company by acquiring at least 90 percent of the voting shares of *First State Bank of Pensacola, Pensacola, Florida*. Comments on this application must be received not later than July 7, 1982.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marquette National Corporation*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to *Marquette National Bank*, Chicago, Illinois. Comments on this application must be received not later than July 7, 1982.

2. *Oregon Bancorp, Inc.*, Oregon, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of *Community National Bank*, Oregon, Wisconsin. Comments on this application must be received not later than July 7, 1982.



**D. Federal Reserve Bank of St. Louis:**  
(Delmer P. Weisz, Vice President) 411  
Locust Street, St. Louis, Missouri 63166;

1. *PDR Bancshares, Inc.*, Prairie du  
Rocher, Illinois; to become a bank  
holding company by acquiring 80  
percent of the voting shares of State  
Bank of Prairie du Rocher, Prairie du  
Rocher, Illinois. Comments on this  
application must be received not later  
than July 7, 1982.

Board of Governors of the Federal Reserve  
System, June 7, 1982.

William W. Wiles,

*Secretary of the Board.*

[FR Doc. 82-15908 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### Formation of Bank Holding Companies

The companies listed in this notice  
have applied for the Board's approval  
under section 3(a)(1) of the Bank  
Holding Company Act (12 U.S.C.  
1842(a)(1)) to become bank holding  
companies by acquiring voting shares  
and/or assets of a bank. The factors that  
are considered in acting on the  
applications are set forth in section 3(c)  
of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at  
the offices of the Board of Governors, or  
at the Federal Reserve Bank indicated  
for that application. With respect to  
each application, interested persons  
may express their views in writing to the  
address indicated for that application.  
Any comment on an application that  
requests a hearing must include a  
statement of why a written presentation  
would not suffice in lieu of a hearing,  
identifying specifically any questions of  
fact that are in dispute and summarizing  
the evidence that would be presented at  
a hearing.

**A. Federal Reserve Bank of  
Philadelphia** (Thomas K. Desch, Vice  
President) 100 North 6th Street,  
Philadelphia, Pennsylvania 19105:

1. *Keystone Heritage Group, Inc.*,  
Lebanon, Pennsylvania; to become a  
bank holding company by acquiring 100  
percent of the voting shares of Lebanon  
Valley National Bank, Lebanon,  
Pennsylvania. Comments on this  
application must be received not later  
than July 8, 1982.

**B. Federal Reserve Bank of St.  
Louis** (Delmer P. Weisz, Vice President)  
411 Locust Street, St. Louis, Missouri  
63166:

1. *Farmers Bancorp, Inc.*, Dyersburg,  
Tennessee, to become a bank holding  
company by acquiring 85 percent of the  
voting shares of Farmers Bank, Trimble,  
Tennessee. Comments on this  
application must be received not later  
than July 8, 1982.

**C. Federal Reserve Bank of Dallas**  
(Anthony J. Montelaro, Assistant Vice  
President) 400 South Akard Street,  
Dallas, Texas 75222:

1. *Andrews Financial Corporation*,  
Andrews, Texas; to become a bank  
holding company by acquiring at least  
80 percent of the voting shares of  
Andrews Bancshares, Inc. and,  
indirectly, Commercial State Bank, both  
located in Andrews, Texas. Comments  
on this application must be received not  
later than July 8, 1982.

**D. Federal Reserve Bank of San  
Francisco** (Harry W. Green, Vice  
President) 400 Sansome Street, San  
Francisco, California 94120:

1. *Meridian Bancorp*, Pleasant Hill,  
California; to become a bank holding  
company by acquiring 100 percent of the  
voting shares of Meridian National  
Bank, Pleasant Hill, California.  
Comments on this application must be  
received not later than July 8, 1982.

Board of Governors of the Federal Reserve  
System, June 8, 1982.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 82-15909 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### Mellon Bank, N.A.; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Mellon Bank, N.A., Pittsburgh,  
Pennsylvania, has applied to reorganize  
its subsidiaries, Mellon Bank  
International, New York, New York and  
Mellon Bank International-Miami,  
Miami, Florida, corporations organized  
under section 25(a) of the Federal  
Reserve Act. Mellon Bank, N.A.,  
proposes to transfer the capital stock of  
Mellon Bank International to Mellon  
Bank International-Miami, liquidate  
Mellon Bank International, and change  
the name of Mellon Bank International-  
Miami to Mellon Bank International.  
Mellon Bank International (the new  
Edge Corporation) has applied for the  
Board's approval under § 211.4(c)(1) of  
the Board's Regulation K (12 CFR  
211.4(c)(1)), to establish a branch in New  
York, New York, which was formerly  
the head office of Mellon Bank  
International.

The factors that are to be considered  
in acting on this application are set forth  
in § 211.4(a) of the Board's Regulation K  
(12 CFR 211.4(a)).

The application may be inspected at  
the offices of the Board of Governors or  
at the Federal Reserve Bank of  
Cleveland. Any person wishing to  
comment on the application should  
submit views in writing to the Secretary,

Board of Governors of the Federal  
Reserve System, Washington, D.C. 20551  
to be received no later than June 28,  
1982. Any comment on an application  
that requests a hearing must include a  
statement of why a written presentation  
would not suffice in lieu of a hearing,  
identify specifically any questions of  
fact that are in dispute, and summarize  
the evidence that would be presented at  
a hearing.

Board of Governors of the Federal Reserve  
System, June 8, 1982.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 82-15910 Filed 6-11-82; 8:45 am]

BILLING CODE 6210-01-M

### GENERAL SERVICES ADMINISTRATION

[F-82-16]

#### Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes  
the Secretary of Defense to represent  
the consumer interests of the executive  
agencies of the Federal Government in  
proceedings before the Washington  
Utilities and Transportation  
Commission involving intrastate  
telecommunications service rates.

2. *Effective date.* This delegation is  
effective immediately.

#### 3. *Delegation.*

a. Pursuant to the authority contained  
in the Federal Property and  
Administrative Services Act of 1949, 63  
Stat. 377, as amended, particularly  
Sections 201(a)(4) and 205(d) (40 U.S.C.  
481(a)(4) and 486(d)), authority is  
delegated to the Secretary of Defense to  
represent the consumer interests of the  
Federal executive agencies before the  
Washington Utilities and Transportation  
Commission involving the application of  
the Pacific Northwest Bell Telephone  
Company in Cause No. U-8219 for an  
increase in rates for telecommunications  
services.

b. The Secretary of Defense may  
redelegate this authority to any officer,  
official, or employee of the Department  
of Defense.

c. This authority shall be exercised in  
accordance with the policies,  
procedures, and controls prescribed by  
the General Services Administration,  
and shall be exercised in cooperation  
with the responsible officers, officials,  
and employees thereof.

d. The Department of Defense shall  
add the General Services  
Administration to its service list in this  
case so that GSA will receive copies of



testimony, briefs and other Department of Defense filings.

Dated: June 4, 1982.

Francis A. McDonough,

*Deputy Commissioner for Government-wide Management, Automated Data and Telecommunications Service.*

[FR Doc. 82-15997 Filed 6-11-82; 8:45 am]

BILLING CODE 6820-25-M

[F-82-17]

### Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Hampshire Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

#### 3. Delegation.

a. Pursuant to the authority contained in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Hampshire Public Utilities Commission involving the application of the New England Telephone and Telegraph Company in Docket No. DR-82-70 for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: June 4, 1982.

Francis A. McDonough,

*Deputy Commissioner for Government-wide Management Automated Data and Telecommunications Service.*

[FR Doc. 82-15996 Filed 6-11-82; 8:45 am]

BILLING CODE 6820-AM-M

[F-82-18]

### Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Tennessee Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

#### 3. Delegation.

a. Pursuant to the authority contained in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Tennessee Public Service Commission involving the application of the South Central Bell Telephone Company in Docket No. U-82-7161 for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: June 4, 1982.

Francis A. McDonough,

*Deputy Commissioner for Government-wide Management, Automated Data and Telecommunications Service.*

[FR Doc. 82-15995 Filed 6-11-82; 8:45 am]

BILLING CODE 6820-AM-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Alcohol, Drug Abuse, and Mental Health Administration

#### Mental Health Behavioral Sciences Research Review Committee; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces approval and

certification by the Secretary of Health and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committee:

*Designation:* Mental Health Behavioral Sciences Research Review Committee.

*Purpose:* The Committee shall advise the Secretary and the Director, National Institute of Mental Health concerning applications for research grants, cooperative Agreements, National Research Service Awards to individuals and institutions, and research and development contract projects relating to the behavioral science areas relevant to mental health. These include research activities in the following areas: the relationship of life events and family processes to mental illness and health; the influence of attitudes on mental health and health related behaviors; the influence of specific environmental or systems factors on normal and abnormal behavior and mental processes; the development and maintenance of personal networks and support systems as these affect individual and family functioning; and psychosocial stressors and coping mechanisms. Also included will be studies of communication processes, motivation, and cognition when undertaken in an interpersonal setting; and studies of how the family, peer groups, school, work setting, employment status, community and cultural processes relate to mental health and mental illness.

*Expiration Date:* Authority for the Mental Health Behavioral Sciences Research Review Committee will expire on January 31, 1984, unless the Secretary formally determines that continuance is in the public interest.

Effective with this establishment, the following committees were abolished: Basic Sociocultural Research Review Committee, Community Processes and Social Policy Review Committee, and Minority Group Mental Health Review Committee.

Dated: June 8, 1982.

William Mayer,

*Administrator, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 82-15986 Filed 6-11-82; 8:45 am]

BILLING CODE 4160-20-M

### National Institutes of Health

#### Aging Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the



Aging Review Committee, National Institute on Aging, on July 21, 22, and 23, 1982 in Building 31, Conference Room 6 (C wing), National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on July 21, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on July 21, from 10:00 a.m. to adjournment on July 23, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

**Note.**—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: June 1, 1982.

**Betty J. Beveridge,**  
*National Institutes of Health, Committee Management Officer.*

[FR Doc. 82-15966 Filed 6-11-82; 8:45 am]

**BILLING CODE 4140-01-M**

### **Genetic Basis of Disease Review Committee; Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on July 12, 1982, at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Maryland.

This meeting will be open to the public on July 12, 1982, from 8:30 a.m. until 9:30 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award

training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public for approximately eight hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on July 12 from 9:30 a.m. until adjournment. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members. Dr. Helen Sunshine, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Room 949, Westwood Building, Bethesda, Maryland 20205 (Telephone 301-496-7585) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-862, Genetics Research, National Institute of General Medical Sciences, National Institutes of Health).

**Note.**—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: June 1, 1982.

**Betty J. Beveridge,**  
*Committee Management Officer, National Institutes of Health.*

[FR Doc. 82-15964 Filed 6-11-82; 8:45 am]

**BILLING CODE 4140-01-M**

### **National Institute of Dental Research Special Grants Review Committee; Meeting**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, on July 13, 14 and 15, 1982, in Conference Room 9, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on July 13, 1982, for general discussions.

Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 9:30 a.m. on July 13 to adjournment on July 15, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496-7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

**Note.**—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: June 1, 1982.

**Betty J. Beveridge,**  
*National Institutes of Health Committee Management Officer.*

[FR Doc. 82-15965 Filed 6-11-82; 8:45 am]

**BILLING CODE 4140-01-M**

### **Meeting of the Board of Scientific Counselors, NICHD**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, July 12, 1982, in Building 31, Room 2A52. This meeting will be open to the public from 8:30 a.m. to 12:15 p.m. and from 1:30 p.m. to 5:00 p.m. on July 12 for the review of the Laboratory of Developmental Neurobiology of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463,



the meeting will be closed to the public from 12:15 p.m. to 1:30 p.m. on July 12 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will furnish substantive program information.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) of that Circular.

Dated: June 2, 1982.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 82-15958 Filed 6-11-82; 8:45 am]

BILLING CODE 4140-01-M

#### **Cellular and Molecular Basis of Disease Review Committee; Meeting of the National Institute of General Medical Sciences**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on July 9 and 10, 1982, at the Holiday Inn, Chevy Chase, Maryland.

This meeting will be open to the public on July 9, 1982, from 8:30 a.m. until 10:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:00 a.m. on July 9, 1982, until adjournment on July 10, 1982, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and

personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, Cellular and Molecular Basis of Disease Research)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: June 1, 1982.

Betty J. Beveridge,

*Committee Management Officer, National Institutes of Health.*

[FR Doc. 82-15954 Filed 6-11-82; 8:45 am]

BILLING CODE 4140-01-M

#### **National Heart, Lung, and Blood Institute's Clinical Trials Review Committee; Meetings**

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on July 11-14, 1982, at the Sheraton-Ritz Hotel, 315 Nicollet Mall, Minneapolis, Minnesota 55401.

This meeting will be open to the public from 8:00 p.m. to approximately 9:00 p.m. on July 11, 1982 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 11, from approximately 9:00 p.m. to adjournment, on July 14, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under section 552b(c)(6) of Title 5, U.S. Code.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland 20205, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Contracts, Clinical Trials and Training Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496-7363, will furnish substantive program information.

Date: June 1, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 82-15955 Filed 6-11-82; 8:45 am]

BILLING CODE 4140-01-M

#### **National Digestive Diseases Advisory Board; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on July 29 and 30, 1982, from 1:00 p.m. to 6:00 p.m. on July 29 and from 8:30 a.m. to adjournment on July 30, in Conference Room 6, Building 31, C Wing, 6th Floor, Bethesda, Maryland 20205. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the current digestive diseases plan. Attendance by the public will be limited to space available.

Dr. Ralph Bain, Executive Director, National Digestive Diseases Advisory Board, P.O. Box 30377, Bethesda, Maryland 20084, (301) 496-2232, will provide an agenda and roster of the members. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496-5765.



Date: June 3, 1982.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 82-15953 Filed 6-11-82; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[F-19155-17]

#### Alaska Native Claims Selection

This decision approves lands in the vicinity of Healy Lake, Alaska for conveyance to Doyon, Limited.

On April 2, 1975, Doyon, Limited, filed selection application F-19155-17, as amended, under the provisions of section 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), as amended, for the surface and subsurface estates of certain lands withdrawn pursuant to section 11(a) for the Native village of Healy Lake.

As to the lands described below, selection application F-19155-17, as amended, is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to section 12(c) of ANCSA, aggregating approximately 109,810 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Section 14(e) of ANCSA.

#### Copper River Meridian, Alaska (Unsurveyed)

T. 25 N., R. 5 E.,

Secs. 1 to 36, inclusive.

Containing approximately 20,568 acres.

T. 27 N., R. 5 E.,

Secs. 1 to 36, inclusive.

Containing approximately 20,442 acres.

#### Fairbanks Meridian, Alaska (Surveyed)

T. 9 S., R. 15 E.,

Secs. 1 to 36, inclusive.

Containing 22,791.84 acres.

#### Fairbanks Meridian, Alaska (Unsurveyed)

T. 8 S., R. 14 E.,

Secs. 1 to 36, inclusive.

Containing approximately 23,004 acres.

T. 8 S., R. 16 E.,

Secs. 1 to 36, inclusive.

Containing approximately 23,004 acres.

Aggregating approximately 109,810 acres.

There are no inland water bodies considered to be navigable within the above-described lands.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States: Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), as amended, the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-21779-17, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**50 Foot Trail.**—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

(EIN 1 D9, L) An easement for an existing access trail fifty (50) feet in width from Sec. 24, T. 8 S., R. 13 E., Fairbanks Meridian, easterly to public lands located in T. 7 S., R. 18 E., Fairbanks Meridian. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat, of survey confirming the boundary description and acreage of the lands hereinabove granted; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date, approximately 2,935,087 acres of land, selected pursuant to section 12(c) of ANCSA, as amended, have been approved for conveyance to Doyon, Limited.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week,

for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 14, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed AK Form 2650-4 and DOI Form 1842-1.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and



Development, Pouch 7-005,  
Anchorage, Alaska 99510  
Doyon, Limited, Land Department,  
Doyon Building, 201 First Avenue,  
Fairbanks, Alaska 99701

Ann Johnson,  
Chief, Branch of ANCSA, Adjudication.

[FR Doc. 82-15940 Filed 6-11-82; 8:45 am]

BILLING CODE 4310-04-M

[F-19558-A]

#### Alaska Native Claims Selection

On November 20, 1974, Umkumiute Ltd., for the Native village of Umkumiute, filed selection application F-19558-A under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611 (ANCSA), as amended, for the surface estate of certain lands in the vicinity of Umkumiute.

As to the lands described below, application F-19558-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 63,410 acres, is considered proper for acquisition by Umkumiute Ltd., and is hereby approved for conveyance pursuant to section 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 89 W.

Secs. 3 to 10, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 27 to 34, inclusive.

Containing approximately 13,987 acres.

T. 7 N., R. 89 W.

Sec. 23;  
Secs. 25 to 29, inclusive;  
Secs. 31 to 35, inclusive.

Containing approximately 7,019 acres.

T. 8 N., R. 90 W.

Secs. 1 and 2;  
Secs. 10 to 17, inclusive;  
Secs. 19 to 34, inclusive;  
Sec. 35, excluding Native allotment F-16904  
Parcel D;  
Sec. 36.

Containing approximately 17,841 acres.

T. 7 N., R. 90 W.

Sec. 36.  
Containing approximately 640 acres.

T. 5 N., R. 91 W.

Secs. 1 to 23, inclusive;  
Secs. 24 to 30 (fractional), inclusive;  
Containing approximately 17,228 acres.

T. 5 N., R. 92 W.

Secs. 1 and 2;  
Secs. 3, 10, and 11 (fractional);  
Secs. 12 and 13;  
Secs. 14, 23, and 24 (fractional).

Containing approximately 4,680 acres.

T. 6 N., R. 92 W.

Secs. 25, 26, 34, and 35 (fractional);  
Sec. 36.

Containing approximately 2,015 acres.  
Aggregating approximately 63,410 acres.

All named and unnamed water bodies within the lands to be conveyed were reviewed and based on existing evidence, they were considered to be nonnavigable.

Actual limits of tidal influence for the water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: lands are under applications pending further adjudication. These exclusions do not constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f); and

2. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in easement case file F-19558-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 4 D9) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 2 D1, D9 on the Tununak selection connecting with trail EIN 4 D9 on the Toksook Bay selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the unsurveyed lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, section 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b)(2) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Umkumiute Ltd., is entitled to conveyance of 69,120 acres of land selected pursuant to section 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 63,410 acres. The remaining entitlement of approximately 5,710 acres will be conveyed at a later date.

Pursuant to section 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Umkumiute Ltd., and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2850.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in The Tundra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land



Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), address given above. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 14, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board of the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Umkumiute Ltd., Umkumiute, Alaska,  
Via Nightmute, Alaska 99690  
Calista Corporation, 516 Denali Street,  
Anchorage, Alaska 99501

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-15941 Filed 6-11-82; 8:45 am]

BILLING CODE 4310-84-M

### Oregon, Vegetation Management; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meetings

The Department of the Interior, Bureau of Land Management, Oregon State Office, will prepare an Environmental Impact Statement (EIS) on its western Oregon vegetation management program. The final statement is to be completed in the summer of 1983.

This statement will analyze the environmental effects of alternative approaches to vegetation management on some 70,000 acres annually. BLM administers 2.4 million acres of forest lands in western Oregon. Vegetation management practices to be considered and analyzed will include: site preparation using chemical, burning, manual and mechanical methods; stocking maintenance using chemical, manual and biological methods; conifer release and pre-commercial thinning using chemical and manual methods; and right-of-way maintenance and noxious weed control using chemical, manual, mechanical and biological methods.

Discussion of an alternative of no management of competing vegetation or other unwanted vegetation is required and will be included in the EIS. Additional alternatives which might be discussed in the statement include:

1. Maximum use of herbicides. Use of all chemicals whenever appropriate to the task, considering maximum economic efficiency. All chemicals, including 2,4,5-T and Silvex, would be used.

2. Use of all approved vegetation management treatments. An integrated program of mixed practices, including burning, mechanical, manual and biological treatment and application of currently approved herbicides.

3. Use of all approved vegetation management treatments except burning.

4. Use of all approved vegetation management treatments except aerial applications of herbicides.

5. Use of all approved vegetation management treatments except application of herbicides.

The EIS will identify the impacts to the natural and human environment that can be expected from implementation of any alternative. The statement will be an analytical tool used to assist in making decisions which are expected to guide the Bureau's western Oregon vegetation management program for some years to come, after 1983.

Public scoping meetings will be held to identify significant issues related to the vegetation management program and to obtain public comments on the formulation of alternatives to be

analyzed in the EIS. These meetings will be held at the following places and times:

#### Medford District

Grants Pass, Oregon, July 7th, at 7:30 p.m., Josephine County Court House, Room 156, 500 N.W. 8th, Grants Pass, Oregon 97526  
Medford, Oregon, July 8th, at 7:30 p.m., BLM District Office, Oregon Room, 3040 Biddle Road, Medford, Oregon 97501

#### Roseburg District

July 12th, at 7:30 p.m., BLM District Office, Main Conference Room 777 N.W. Garden Valley Blvd., Roseburg, Oregon 97470

#### Coos Bay District

July 13th, at 7:30 p.m., Coos Bay Public Library, 525 Anderson St., Coos Bay, Oregon 97420

#### Eugene District

July 14th, at 7:30 p.m., Harris Hall, South Room—Basement, 125 E. 8th, Eugene, Oregon 97401

#### Salem District

July 15th, at 7:00 p.m., BLM District Office, Main Conference Room, 1717 Fabry Road S.E., Salem, Oregon 97302

Further information may be obtained from: Chuck Hawkins, Team Leader, Bureau of Land Management, 1717 Fabry Road S.E., P.O. Box 3227, Salem, Oregon 97302, Telephone (503) 399-5625.

Dated: June 4, 1982.

Herbert L. Haglund,

Chief, Division of Resources, Oregon State Office.

[FR Doc. 82-15992 Filed 6-11-82; 8:45 am]

BILLING CODE 4310-84-M

### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-No. 388N)]

#### Conrail Abandonment Between South Braintree and Plymouth, MA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to discontinue service over its rail line between S. Braintree (milepost 1.7) and Plymouth (milepost 27.1) in the Counties of Plymouth and Norfolk, MA, a total distance of 25.4 miles effective on June 11, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-15028 Filed 6-11-82; 8:45 am]

BILLING CODE 7035-01-M



**[Docket No. AB-167 (Sub-No. 353N)]****Conrail Abandonment Between Chick and Cook Street and Needham Jct. and Medfield Jct.; Findings**

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 2 has issued a certificate authorizing the Consolidated Rail Corporation to discontinue service over its rail line between Chick (milepost 0.0) and Cook Street (milepost 14.1) and Needham Jct (milepost 0.0) and Medfield Jct (milepost 7.3) in the Counties of Norfolk and Middlesex, MA, a total distance of 21.4 miles effective on June 11, 1982.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-15927 Filed 6-11-82; 8:45 am]

BILLING CODE 7035-01-M

**[Docket No. AB-160 (Sub-4)]****Montour Railroad Co.—  
Abandonment—In Washington County,  
Pa.; Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Montour Railroad Company to abandon its rail line of railroad extending from milepost 22.9 to the end of the line at railroad milepost 32.5, a distance of 9.6 miles and its entire National #3 spur from Muse Jct. at railroad milepost 0.0 to the end of the line at railroad milepost 1.2, a distance of 1.2 miles in Washington County, PA, subject to certain conditions. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from

publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-15925 Filed 6-11-82; 8:45 am]

BILLING CODE 7035-01-M

**[Docket No. AB-55 (Sub-59)]****Seaboard Coast Line Railroad Co.—  
Abandonment—In Charleston County,  
S.C.; Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Seaboard Coast Line Railroad Company to abandon its rail line known as the Charleston Subdivision of its Florence Division extending from railroad milepost ACN 394.14 to the end of SCL ownership at milepost ACN 394.98, a distance of 0.84 miles in Charleston County, SC, subject to certain conditions. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30

days from the service date of the certificate.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-15924 Filed 6-11-82; 8:45 am]

BILLING CODE 7035-01-M

**Motor Carriers; Temporary Authority  
Application**

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

**Motor Carriers of Property****Notice No. F-176**

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-31TA), filed May 26, 1982. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401



East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Office equipment* from Oxford, CT to points in AZ, CA, CO, ID, MT, NV, MN, OR, UT, WA, and WY under continuing contract(s) with Dahle U.S.A., Oxford, CT. Supporting shipper: Dahle U.S.A., 6 Benson Road, Oxford, CT 06483.

MC 73444 (Sub-1-3TA), filed May 26, 1982. Applicant: FRANK L. CASTINE, d.b.a. CASTINE MOTOR SERVICE, 1235 Chestnut Street, Athol, MA 01331. Representative: Donald R. Castine, (same as applicant). *Contract carrier:* irregular routes: *Household goods and personal effects belonging to transferring personnel of Westvaco Corporation U.S. Envelope Division and or products, supplies and equipment of,* between all points in the U.S. under continuing contract(s) with Westvaco Corporation U.S. Envelope Division, Springfield, MA. Supporting shipper: Westvaco Corporation U.S. Envelope Division, Memorial Industrial Park, 2001 Roosevelt Avenue, Box 3300, Springfield, MA 01101.

MC 162205 (Sub-1-1TA), filed May 26, 1982. Applicant: J.A. DE VOS & SONS, INC., Greenbush Road, Box 66, North Ferrisburg, VT 05473. Representative: John A. De Vos, Jr., (same as applicant). *Contract carrier:* irregular routes: *Petroleum products* from Rensselaer-Albany, NY to points in VT under continuing contract(s) with Wesco Inc. of Burlington, VT. Supporting shipper: Wesco Inc., 25 N. Prospect St., Burlington, VT 05401.

MC 126965 (Sub-1-1TA), filed May 26, 1982. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, P.O. Box 682, Clifton, NJ 07012. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Paper and paper products and materials, equipment and supplies used in the manufacturing, packaging and sales thereof, except in bulk* between Meriden, CT and West Hempstead, NY, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI and VT, under the continuing contract(s) with Westvaco Corp., New York, NY, Simkins Industries, Inc., West Hempstead, NY. Supporting shipper(s): Westvaco Corp., 299 Park Avenue, New York, NY 10171 and Simkins Industries, Inc., P.O. Box 98, West Hempstead, NY 11552.

MC 139579 (Sub-1-3TA), filed May 26, 1982. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY

14580. *Contract carrier:* irregular routes: *Paper and paper articles and inbound materials and supplies used in the manufacture of paper and paper articles,* between Stroudsburg, PA and points in NY and OH, under continuing contract(s) with Packaging Corporation of America, Evanston, IL. Supporting shipper: Packaging Corporation of America, 1603 Orrington Avenue, Evanston, IL 60204.

MC 150903 (Sub-1-2TA), filed May 21, 1982. Applicant: H-N TRUCKING COMPANY, INC., 2381 Post Road, Warwick, RI 02886. Representative: Peter J. Rotelli, Esquire, 5 Benefit Street, Providence, RI 02904. *General commodities (except explosives, hazardous wastes, toxic substances, and household goods),* between points in the U.S. (excluding AK and HI). Supporting shipper(s): There are seven (7) statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 42212 (Sub-1-1TA), filed May 27, 1982. Applicant: HARDER'S EXPRESS, INC., Route 9-H, Claverack, NY 12513. Representative: Michael R. Werner, Esq., 241 Cedar Lane, Teaneck, NJ 07666. *Paper products and plastic film,* between points in Berkshire County, MA, Columbia County, NY, Middlesex County, NJ, and Cumberland County, PA on the one hand, and, on the other, points in PA, DE, MD, WV, VA, ME, NH, RI, CT, MA, NY, NJ and DC. Supporting shipper: Kimberly Clark Corporation, 1414 W. Larsen Road, Neenah, WI 54956.

MC 144394 (Sub-1-1TA), filed May 26, 1982. Applicant: HOOK UP LTD., 342 Munster Avenue, Toronto, Ontario, CD M8Z 3C5. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Self-propelled machinery and equipment, in driveaway service,* between ports of entry on the International Boundary line between the US and CD located in MI, on the one hand, and, on the other, points in Colorado County, TX. Supporting shipper: Dresser Canada, Inc., 200 Avenue Road, Cambridge, Ontario, CD N1R 5V7.

MC 162206 (Sub-1-1TA), filed May 26, 1982. Applicant: IMPERIAL FREIGHT SERVICES, INC., 740 Lloyd Road, Matawan, NJ 07747. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Paper products, hardware (door and general) and locks, tile, chemicals or allied products described in STCC 28 (except in bulk and hazardous waste), watches or clocks and wire, and materials and supplies used in the manufacturing and distribution thereof, (except in bulk),*

between New York, NY Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): There are six (6) statements in support of this application which may be examined at the regional office of the I.C.C. in Boston, MA.

MC 162221 (Sub-1-1TA), filed May 27, 1982. Applicant: J.M.D. TRANSPORTATION INC., 537 Washington Ave., Audubon, NJ 08106. Representative: Mark H. Watson, 116 Haddon Ave., Haddonfield, NJ 08033. *Contract carrier:* irregular routes: *Passengers and their baggage in the same vehicle,* between points in Camden, Gloucester and Burlington Counties, NJ, on the one hand, and, on the other, points in NJ, PA, DE, MD, DC, NY, CT, RI and MA, under continuing contract(s) with Bioferm International, Medford, NJ; Dorothy Monahan, Medford Lakes, NJ; Rainbow Travel, Barrington, NJ; Framework, Ltd., Haddon Heights, NJ; Inglis House, Philadelphia, PA. Supporting shipper(s): Bioferm International, Stokes Road, Medford, NJ 08055; Dorothy Monahan, 51 Algonquin Trail, Medford Lakes, NJ 08055; Rainbow Travel, 38 Clements Bridge Road, Barrington, NJ 08807; Framework, Ltd., 602 Station Ave., Haddon Heights, NJ; Inglis House, 2816 Poplar Street, Philadelphia, PA 19130.

MC 145338 (Sub-1-1TA), republication filed May 7, 1982. Applicant: MEDICAL EMERGENCY TRANSPORTATION CORPORATION, d.b.a. METCOR, Essex County Airport, 125 Passaic Avenue, Fairfield, NJ 07006. Representative: Charles Ephraim, 406 World Center Building, 918 16th Street, N.W., Washington, DC 20006. *Medical and scientific equipment, materials and supplies,* (1) From Buffalo, NY to points in NY and PA, and (2) From Newark, NJ, to points in PA, NJ, NY, CT, MA, RI, DE, MD, VA, and DC. Supporting shipper: Mallinckrodt, Incorporated, 2703 Wagner Place, Maryland Heights, MO 63043. Sole purpose of this republication is to show applicant's request to interline.

MC 135220 (Sub-1-1TA), filed May 26, 1982. Applicant: MORRIS MILLER TRUCKING, INC., Route 60, Cassadaga, NY 14718. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Malt beverages and empty malt beverage containers,* between Fostoria, OH, on the one hand, and, on the other, points in NY. Supporting shipper: The Stroh Brewery Co., 1 Stroh Drive, Detroit, MI 48226.



MC 146463 (Sub-1-3TA), filed May 27, 1982. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario CD NOA 1AO. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier; irregular routes: Cement, Sand and Clay-based Refractory Products, in bags; between Buffalo, NY, on the one hand, and, on the other, ports of entry on the US-CD International Boundary line located in NY, under continuing contract(s) with Riverside Refractories Canada Limited, Ontario, CD NOA 1LO. Supporting shipper: Riverside Refractories Canada Limited, 16 Hawk Street, Nanticoke, Ontario, CD NOA 1LO. Applicant intends to interline.*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 142864 (Sub-II-8TA), filed June 3, 1982. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of rubber products, and foodstuffs, between points in Stark County, OH, and Allegheny County, PA, on the one hand, and, on the other, points in and east of WI, IA, MO, AR, and LA, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Alliance Rubber Co., 833 N. Union Ave., Alliance, OH 44601. Perry Rubber Co., 1875 Harsh Ave., S.E., Massillon, OH 44646. Northside Packing Co., 2200 Spring Garden Ave., Pittsburgh, PA 15212.*

MC 152509 (Sub-II-28TA), filed June 3, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario Street, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract; irregular; plastic containers, materials, supplies and equipment used in the manufacture of plastic containers, between points in the U.S. (except AK & HI) under continuing contract(s) with Hoover Universal, Inc., Distribution Services, Georgetown, KY, for 270 days. Supporting shipper: Hoover Universal Inc., Distribution Services, Route #2, 585 Tri Port Road, Georgetown, KY 40324.*

MC 152509 (Sub-II-29TA), filed June 3, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract; irregular; general commodities, between points in the U.S. (except AK & HI) under continuing contract(s) with Julius J. Schaefer*

Associates, Englewood, NJ, for 270 days. Supporting shipper: Julius J. Schaefer Associates, P.O. Box 693, Englewood, NJ 07631.

MC 152509 (Sub-II-30TA), filed June 3, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract; irregular; general commodities, between pts. in the U.S. (except AK and HI) under continuing contract(s) with Lawson Products Co., Des Plaines, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lawson Products Co., 1666 East Touhey, Des Plaines, IL 60018.*

MC 152509 (Sub-II-31TA), filed June 3, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract; irregular; general commodities, between pts. in the U.S. (except AK and HI) under continuing contract(s) with Valentine Truck Brokers, Phoenix, AZ, for 270 days. Supporting shipper: Valentine Truck Brokers, P.O. Box 6246, Phoenix, AZ 85005.*

MC 127030 (Sub-II-2TA), filed June 1, 1982. Applicant: MATTHEW J. DEPALMA, INC., 1700 Orthodox St., Phila., PA 19124. Representative: Leonard W. Becker (same as applicant). *Urea, in bulk, in dump vehicles, from Port Newark, NJ to Mt. Airy, MD and So. Deerfield, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Philipp Brothers, Inc., 1221 Avenue of the Americas, New York, NY 10020.*

MC 149043 (Sub-II-12TA), filed June 3, 1982. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, OH 45414. Representative: H. Neil Carson, 3251 Old Lee Hwy., Fairfax, VA 22030. *Liquid Sweeteners, in bulk, in tank vehicles, between points in MO, on the one hand, and, on the other, points in IL, IN, KY and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cargill, Inc., Box 1400-A, 3201 Needmore Rd., Dayton, OH 45414.*

MC 162318 (Sub-II-1TA), filed June 3, 1982. Applicant: EMERY OIL CO., INC., d.b.a. EMERY TRANSPORTATION, 6730 Clough Pike, Cincinnati, OH 45244. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Petroleum and petroleum products, in bulk, in tank vehicles, between points in Butler, Clermont, Hamilton, Montgomery and Warren Counties, OH and points in Boone, Bracken, Campbell, Fleming,*

Grant, Kenton, Mason and Pendleton Counties, KY for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: King Kwik Minit Marketing, Inc., 3870 Virginia Ave., Cincinnati, OH 45227. Triumph Energy Corp., 5706 Hillsdale Ave., Cincinnati, OH 45233. M. C. Russell Co., P.O. Box 249, Maysville, KY 45056. Koch Marketing Co., P.O. Box 2315, Wichita, KS 67201.

MC 73366 (Sub-II-1TA), filed June 3, 1982. Applicant: FIRPO & SONS, INC., d.b.a. FIRPO'S MOVING AND STORAGE, 900-B Tryens Road, Aston, PA 19014. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract; irregular; machinery, machinery parts, materials, equipment and supplies used in the manufacture and distribution of machinery and machinery parts, between Charlotte and Winston-Salem, NC on the one hand, and, on the other, Lester, PA, under a continuing contract(s) with Westinghouse Electric Corp., Lester, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Westinghouse Electric Corp., P.O. Box 9175, Philadelphia, PA 19113.*

MC 108297 (Sub-II-1TA), filed June 1, 1982. Applicant: FOX TRANSPORT SYSTEM, #8 East Oregon Ave., Philadelphia, PA 19148. Representative: James J. Fox (same as applicant). *Cable, electric and electric supplies and materials, between pts. in CT, NJ, NY, MA, MD, and RI, for 270 days. Supporting shipper(s): Western Electric Co., Inc., 2500 Broening Highway, Baltimore, MD 21224.*

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MC 154687 (Sub-II-1TA), filed May 3, 1982. Applicant: D. L. GEORGE & SONS CONSTRUCTION CO., INC., Box K, Blue Ridge Summit, PA 17214. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Roofing granules, crushed stone, filler materials, equipment and supplies used in the manufacturing and distribution thereof, between the facilities of G.A.F. Corp., at or near Charmain, PA, on the one hand, and, on the other, pts. in MD, VA, WV, NJ, NC, CT, MA, DE, SC, GA, and OH, for 270 days. Supporting shipper(s): G.A.F. Corp, 1361 Alps Rd., Wayne, NJ 07470.*

MC 147661 (Sub-II-1TA), filed June 1, 1982. Applicant: H & W TRUCKING,

<sup>1</sup>The purpose of this republication is to include "used in the manufacturing and distribution thereof," in the commodity description and also to include, "between the facilities of G.A.F. Corp." in the origin. These additions were inadvertently omitted from original publication.



INC., 108 E. Walnut St., Cardington, OH 43315. Representative: E. H. Van Deusen, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Truck bodies and truck body parts and materials* from the facilities of the Stahl Division, Scott-Fetzer Co., at or near Valdosta, GA, to Birmingham, AL; Miami and Pompano Beach, FL; Metairie, LA; Charlotte and High Point, NC; and Greenville and Spartanburg, SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Stahl Metal Products, Division of Scott-Fetzer Co., 14600 Detroit Ave., Lakewood, OH 44107.

MC 161495 (Sub-II-2TA), filed June 1, 1982. Applicant: KEY TRANSPORT, INC., Rt 47 W, Sidney, OH 45365. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract: Irregular: Yogurt*, from the facilities of The Dannon Co., Inc. at Minster, OH, to Minneapolis, MN and St. Louis, MO for 270 days, under continuing contract(s) with The Dannon Co., Inc., Minster, OH. An underlying ETA seeks 120 days authority. Supporting shipper: The Dannon Co., 234 E. First St., Minster, OH 45365.

MC 25153 (Sub-II-3TA), filed June 1, 1982. Applicant: MARTIN FREIGHT SERVICE, INC., 112 Frick Ave., Waynesboro, PA 17268. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Ground Stone in bags and related materials* between Hagerstown, MD and Charmain, PA on the one hand, and, on the other, pts. in and east of TX, OK, MO, IA, and MN (restricted to traffic originating at or destined to facilities used by Har Tru Corp.), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Har Tru Corp., P.O. Box 569, Hagerstown, MD 21740.

MC 107012 (Sub-II-220), filed June 1, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract, irregular: General commodities (except household goods, Classes A & B explosives, and commodities in bulk)* between points in the U.S., under continuing contract(s) with Pizza Time Theatre, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Pizza Time Theatre, Inc., 310 East Caribbean Dr., Sunnyvale, CA 94086.

MC 107012 (Sub-II-221TA), filed June 1, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Contract,*

*irregular: Household goods* between points in the U.S. (including AK and HI), under continuing contract(s) with General Mills, Inc. Supporting shipper(s): General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

MC 133966 (Sub-II-4TA), filed May 21, 1982. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Textiles, rubber, plastic and paper products, and related articles*, (1) between Morris County, NJ, on the one hand, and, on the other, points in the U.S.; and (2) from Covington County, AL, to Rowan County, NC, for 270 days. Supporting shipper: L. E. Carpenter & Co., 170 No. Main St., Wharton, NJ 07885.

MC 151224 (Sub-II-3TA), filed June 1, 1982. Applicant: NORTHERN STEEL TRANSPORT CO., 6041 Benore Rd., Toledo, OH 43612. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Building and construction materials and materials, equipment and supplies used in the manufacture and distribution of building and construction materials* between the facilities of CertainTeed Corp., at Chicago Hgts., IL; Shakopee, MN; Kansas City, MO; Oxford, NC and Avery, OH on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, NC, NY, OH, PA, TN, VA, WI, and WV, for 270 days. Supporting shipper: CertainTeed Corp., P.O. Box 860, Valley Forge, PA 19482.

MC 160628 (Sub-II-TA), filed June 1, 1982. Applicant: TITAN TRANSFER, INC., 3617A Silverside Rd., Wilmington, DE 19803. Representative: Gerald K. Burns, 3308 Englewood Rd., Wilmington, DE 19810. *Contract, irregular: asphalt roofing materials, and materials, supplies and equipment used in the manufacture and distribution of the above materials*, between Frederick, MD, on the one hand, and, on the other, points in NC, VA, WV, DC, MD, DE, PA, OH, NJ, NY, CT, RI, MA, VT, NH, MN, under continuing contract(s) with Tamko Asphalt Products, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tamko Asphalt Products Inc., 220 W. 4th St., Joplin, MO 64801.

MC 149029 (Sub-II-1TA), filed June 1, 1982. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 North Second St., Clearfield, PA 16830. *Paper, from Franklin, PA, to Buffalo, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting*

*shipper: Intercounty Recycling Co., Box 648, Franklin, PA 16323.*

MC 124579 (Sub-II-1TA), filed June 1, 1982. Applicant: WIKEL BULK EXPRESS, INC., Rt. 2, Huron, OH 44839. Representative: E. H. van Deusen, 220 West Bridge St., P.O. Box 97, Dublin, OH 43017. *Malt beverages and materials and supplies used in the manufacture thereof*, between points in Erie and Sandusky Counties, OH, on the one hand, and, on the other, points in IN, MI and PA for 270 days. Supporting shipper: THE SANDUSKY BUTTER & EGG CO., 2229 Superior St., Sandusky, OH 44870.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 162091 (Sub-3-1TA), filed June 2, 1982. Applicant: ACMA ENTERPRISES, INC., 511 Legion Drive, Warrenton, GA 30828. Representative: John P. Tucker, Jr., Suite 222, Lenox Towers, 3390 Peachtree Road, N.E., Atlanta, GA 30326. "(1) *Rubber and plastic articles and related items*, (2) *textiles, textile products, synthetic fiber products and related items*, (3) *adhesives, chemicals and related items (except in bulk)*, (4) *non-bulk recyclable materials*, (5) *acoustical materials*, (6) *tooling equipment and machinery used in the textile and acoustical industries*, between points in GA, MA and MI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting shippers: Personal Sportwear (A Division of Leslie Fay, Inc.), 1056 Personal Place, Morrow, GA 30360; Transworld Adhesives and Chemical Corporation, Air Station Industrial Park, Rockland, MA 02370; Southern Division of Northern Fibre Products Co., P.O. Box 1145, Thomson, GA 30824; E. H. Mann, Inc., d/b/a Warrenton Rubber, P.O. Box 9, Warrenton, GA 30828; Superior Plastic Products Corporation (and corporate subsidiaries), Cumberland Industrial Park, Cumberland, RI.

Republication—originally published in Federal Register of May 17, 1982, Page 21152, Vol. 47, No. 95. MC 161667 (Sub-3-1TA), filed May 7, 1982. Applicant: GARY LINE SIGHTSEEING TOUR, INC., 626 Valley Hill Rd., Riverdale, GA 30274. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288. *Passengers and their baggage in special and charter operations*, beginning and ending at points in Rabon County, GA; Macon, Jackson, and Transylvania Counties, NC and extending to points in GA, NC, SC and TN. Supporting shippers: There are



seven (7) statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 154559 (Sub-3-1TA), filed June 2, 1982. Applicant: GREENVILLE BUS LEASING, INC., 3147 N. Pleasantburg Drive, Greenville, SC 29609.

Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Passengers and their baggage, in charter operations*, beginning and ending at Clemson, Columbia, Laurens, and Spartansburg, SC, and points in Greenville County, SC and extending to Washington, DC, and its commercial zone, Atlanta, GA, Knoxville and Nashville, TN and points in Orange County, FL. There are fifteen supporting shippers.

MC 162266 (Sub-3-1TA), filed June 1, 1982. Applicant: TEMPUS TRUCKING COMPANY, 2508 Starita Road, Charlotte, NC 28213. Representative: Roy L. Wilburn (same address as applicant). *Contract carrier, irregular routes, general commodities (except classes A & B explosives and household goods)*, between the facilities of the Charlotte Freight Association, Inc. and its members located in Birmingham, AL, Charlotte, NC, Richmond, VA, Philadelphia, PA, Jersey City, NJ, Boston, MA, Atlanta, GA, Nashville, TN, Woonsocket, RI, and Greenville, SC under continuing contract with Charlotte Freight Association, Charlotte, NC. Supporting shipper: Charlotte Freight Association, Inc., 2508 Starita Rd. Charlotte, NC 28213.

MC 161703 (Sub-3-1TA), filed June 3, 1982. Applicant: ARCHIE CAMPBELL, d.b.a. CAMPBELL TRUCKING, P.O. Box 81, Route #1, Robertsedale, AL 36567. Representative: (same as above). *Contract Carrier: irregular: Anhydrous Ammonia from Pascagoula, MS to Atmore, Robertsedale, Loxley, Foley, AL.* Supporting shipper: Estech, Inc., 340 Interstate North Parkway, Suite 150, Atlanta, GA 30339.

MC 140902, (Sub-3-15TA), filed June 3, 1982. Applicant: DPD, INC., 3600 N.W. 82 Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract; irregular; prefabricated buildings and materials equipment and supplies between Meridian, ID, Salt Lake City, UT and Lafayette, CO on the one hand and on the other points in and west of the states of ND, SD, NE, KS, OK and TX under continuing contract(s) with The Boise Company. Supporting shipper: The Boise Company, 1475 Tyrell Lane, P.O. Box 8358, Boise, ID 83707.*

MC 162066 (Sub-3-1TA), filed June 2, 1982. Applicant: Humphrey Services, Inc., 206 Western Hills Drive, Madison,

AL 35758. Representative: Doris R (Dot) Humphrey, 206 Western Hills Drive, Madison, AL 35758. *Hazardous Waste, from San Antonio, TX to Emelle, AL.* Supporting shipper: Technical Micronics Control, Inc., 210 Wynn Drive, Huntsville, AL 35805.

The following applications were filed in region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 60325 (Sub-4-4TA), filed June 1, 1982. Applicant: JEFFERSON LINES, INC., 1206 Currie Avenue, Minneapolis, MN 55403. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Passengers and their baggage, and express and newspapers, in the same vehicles with passengers, between Cedar Rapids and Davenport, IA, serving all intermediate points: from Cedar Rapids over Intersate 380 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 38, thence over Iowa Highway 38 to Tipton, thence over Iowa Highway 130 to Davenport.* Supporting Shippers: 3.

MC 81779 (Sub-4-2TA), filed May 28, 1982. Applicant: PAUL JOHNSON, INC., 340 West Adams Street, Waterman, IL 60556. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006. *Metal products, between Chicago, IL and points in its commercial zone, on the one hand, and, on the other, points in Portage County, WI, for 270 days. An underlying ETA application seeks 120 days authority. Supporting shipper: Del Monte Corporation, P.O. Box 89, Rochelle, IL 61098.*

MC 101269 (Sub-4-1TA), filed June 1, 1982. Applicant: FANCHER TRUCKING & EXCAVATING, INC., 1012 N. Meridian Road, Chesterton, IN 46304. Representative: Oliver B. Fancher, Jr. (same address as applicant). (1) *Loam from Chesterton, IN to Montgomery, MI* (2) *Aggregate from Hillsdale County, MI to LaPorte, Porter, and Lake Counties, IN.* Supporting Shipper: Jack's Pottery Co., 108 N. Hayward, Montgomery, MI 49255, Destiny Farms, 335 Cambria Rd, Hillsdale, MI 49242.

MC 140257 (Sub-4-3TA), filed June 1, 1982. Applicant: BENNETT & SON TRANSPORT, LTD., 47 Bothwell Crescent, Regina, Saskatchewan, Canada S4R 5Y7. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. (1) *Irrigation systems; and (2) parts and components for irrigation systems from points in CA, CO, ID, IL, MT, NE, ND, OR, WA and WY to points on the International Boundary line between the United States and Canada in MT and ND.*

RESTRICTION: Restricted to traffic moving in foreign commerce to Outlook and Swift Current, Saskatchewan. Supporting shipper: Central Irrigation Company, Ltd., 403 Saskatchewan Avenue E., Outlook, Saskatchewan, Canada S0L 2N0.

MC 142204 (Sub-4-4TA), filed June 1, 1982. Applicant: GUNVILLE TRUCKING, INC., d.b.a. GUNVILLE TRUCKING, P.O. Box 77, Niagara, WI 54151. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. *Woodpulp, paper, and paper products, between points in the Upper Peninsula of MI, on the one hand, and, on the other, points in WI.* Supporting shipper: Kimberly-Clark Corporation, 1414 Larsen Road, Neenah, WI 54956.

MC 150571 (Sub-4-3TA), filed June 1, 1982. Applicant: NORSEMAN TRUCKING, INC., Route 2, Box 37A, Waseca, MN 56093. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55010, (612) 291-1215. *Tires, batteries and petroleum products (except in bulk) and automotive accessories, between points in MN, on the one hand, and, on the other, points in IL, IN, KS, MT, ND, OK, LA, MO, MI, SD, WY, and TX.* Supporting shipper: Kritzer Oil Company, 501 South State Street, Waseca, MN 56093.

MC 151111 (Sub-4-2), filed May 28, 1982. Applicant: CUSTOMER SERVICES, INC., P.O. Box 489, Red Cloud, NE 68970. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Chemicals, drugs, toilet preparations, health care items, food stuffs, and materials and supplies used in the manufacture of the aforementioned from points in WI and MN to points in the U.S.* Supporting shippers: Tobiasson Central, 671 Fondulac St., Ripon, WI 54971; Gold Bond Ice Cream, 808 Packerland Drive, Greenbay, WI 54303; Meeter Brothers, P.O. Box 7, Union Grove, WI 53182.

MC 152337 (Sub-4-4TA), filed June 1, 1982. Applicant: CENTRAL STATES TRUCKING CO. 5101 South Lawndale Avenue, P.O. Box 450, Summit, IL 60501. Representative: Edward G. Bazelon, 29 South LaSalle Street, Chicago, IL 60603. *Contract—Irregular—General Commodities (except Classes A & B Explosives, Household Goods and Commodities in Bulk) between Chicago, IL, and New York City, NY, and points in their respective Commercial Zones under continuing contract(s) with Pacific Northwest Perishable Shippers Association; Washington Oregon Shippers Cooperative Association, Inc.; Northwest Perishable Shippers*



Cooperative Association, Inc.; Pacific Northwest Shippers Cooperative Association, Inc.; and Trailer Express, Inc., all of 200 West Thomas Street, Seattle, WA 98119. SS:—Supporting shippers.

MC 152517 (Sub-IV-1TA), filed June 1, 1982. Applicant: RO-MAR TERMINAL & WAREHOUSE CO., INC., 3356 S. Ashland Avenue, Chicago, IL 60608. Representative: Robert L. Cope, 1730 M Street, NW., Suite 501, Washington, DC. 20036. *Contract carrier, Irregular route: Grain Mill Products and Macaroni, Spaghetti, Vermicelli or Noodles and Products thereof, dry, between Lincoln, NE, on the one hand, and, on the other, Omaha and Fremont, NE, Council Bluffs, IA, and Kansas City, KS, under continuing contract(s) with Gooch Mill & Elevator, a Division of ADM Milling Co., Gooch Foods, Inc., and Gooch Feed Mill Corp. Supporting shippers: (1) Gooch Mill & Elevator, a division of ADM Milling Co., P.O. Box 7007, Shawnee Mission, KS. (2) Gooch Foods, Inc., P.O. Box 81308, Lincoln, NE 68501. (3) Gooch Feed Mill Corp., P.O. Box 81308, Lincoln, NE 68501.*

MC 153646 (Sub-4-2TA), filed June 1, 1982. Applicant: YODER TRUCKING, INC., G-5181 Dania Street, Flint, MI 48504. Representative: Bruce A. Newman, P.C., 1000 Beach Street, Flint, 48502. *Contract irregular: Hazardous and Combustible Waste Materials between all points in the U.S. under continuing contract with Metalworking Lubricants Company. Supporting shipper: Metalworking Lubricants Company, 6785 Telegraph Road, Birmingham, MI 48010.*

MC 156002 (Sub-4-2TA), filed June 1, 1982. Applicant: CLAIR R. MESSERSMITH, Route 1, Box 67, Wilson, MI 49896. Representative: Same as applicant. *Motorcycles, snowmobiles, snowblowers, lawn and garden equipment, generators, outboard motors, and parts and accessories therefor; from Chicago, IL and Grand Rapids, MI commercial zones to points in the Upper Peninsula of MI and Florence County, WI. There are 6 supporting shippers.*

MC 157134 (Sub-4-2TA), filed June 1, 1982. Applicant: SUPER CARRIER COMPANY, INC., 3250 South Pulaski, Chicago, IL 60623. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Contract, irregular: General commodities (except Classes A and B explosives, commodities in bulk and household goods), between the facilities of Capitol Freight Systems, Ltd. and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S., for the account of Capitol Freight Systems, Ltd.*

Supporting shipper: Capitol Freight Systems, Ltd., 1238 N. Kostner, Chicago, IL.

MC 157923 (Sub-4-2TA), filed June 1, 1982. Applicant: TAYLOR TRUCKING, INC., 4080 Lancer Circle, Manitowoc, WI 54220. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract—Irregular. Cement from LaSalle, IL to points in WI on and south of WI Hwy 64 under a continuing contract(s) with Illinois Cement Company. An underlying ETA seeks 120 days authority. Supporting shipper: Illinois Cement Company, P.O. Box 442, LaSalle, IL 61301.*

MC 160951 (Sub-4-2TA), filed May 28, 1982. Applicant: A. M. EXPRESS, INC., 18603 Harrison, Lowell, IN 46356. Representative: Joel H. Steiner, 29 South LaSalle, Suite 905, Chicago, IL 60603. *Sand, from Jasper County, IN to Cook County, IL. Supporting shipper: Continental Concrete Pipe Corp., P.O. Box 174, Blue Island, IL 60406.*

MC 161370 (Sub-4-2TA), filed May 28, 1982. Applicant: ROBERT L. KELLER, d.b.a. KELLER TRANSIT, P.O. Box 6, Kepton, IN. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240. *Chemicals and allied products between points in IN, OH, and MI. Supporting shipper: Central Indiana Supply, 1432 Kentucky Avenue, Indianapolis, IN.*

MC 161615 (Sub-4-3TA), filed June 1, 1982. Applicant: SONN LINE TRANSPORT CO., INC., 4320 North 126th Street, Brookfield, WI 53005. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; irregular; Metal products, between the facilities of Port Metal Corporation at Belgium, WI, on the one hand, and, on the other, points in the United States under continuing contract(s) with Port Metal Corporation of Belgium, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Port Metal Corporation, 652 Main Street, Belgium, WI 53004.*

MC 162088 (Sub-4-1TA), filed May 28, 1982. Applicant: TRANSPORTATION AND WASTE, INC., 514 Kyser Drive, Box 146, North Adams, MI 49262. Representative: Philip Blonde, P.O. Box 387, Litchfield, MI 49252. *Contract Irregular: Fertilizer, agricultural chemicals and supplies, coal and limestone between points in MI, OH and IN. Supporting shippers: The Andersons, 1200 Dussell Drive, P.O. Box 119, Maumee, OH 43537 and Michigan South Central Power Agency, 720 Herring Road, Litchfield, MI 49252.*

MC 162261 (Sub-4-1TA), filed May 1, 1982. Applicant: RICHARD WILLE,

d.b.a. WILLE TRANSPORT, P.O. Box 304, Inger Road, Deer River, MN 56636. Representative: Andrew R. Clark, 1800 TCF Tower, Minneapolis, MN 55402. *Lumber and lumber products between points in MN, WI and the Upper Peninsula of MI. Supporting shippers are: E.J.R. LBR Distribution Reman Ltd., Winnipeg, Manitoba; Northwood Building Materials, Winnipeg, Manitoba; Owens Forest Products, Duluth, MN; Midwest Lumber Sales, Duluth, MN; Erickson Mills, Inc., Kelliher, MN.*

MC 162291 (Sub-4-1TA), filed June 1, 1982. Applicant: WAYNE WOLLITZ TRUCKING, 202 Second St. S.W., Lidgerwood, ND 58053. Representative: Wayne Wollitz (same as above). *General Commodities from Minneapolis, MN to points in ND, SD, MT, MN and WY. Supporting Shippers: Empro Corporation, 14530 27th Avenue North, Minneapolis, MN 55441.*

MC 162293 (Sub-4-1TA), filed June 1, 1982. Applicant: EAGLE ENTERPRISES INC., d.b.a. EEI TRUCKING, P. O. Box 481, Winnebago, MN 56098. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. (1) *Plastic pipe and fittings, and (2) concrete products, between Winnebago, MN, on the one hand, and, on the other, points in IA, IL, KS, MO, MT, ND, NE, SD, and WI. Supporting shipper: Winnebago Drainage Systems, Inc. and Winnebago Concrete Products, Winnebago, MN 56098.*

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 61440 (Sub-5-15TA), filed June 1, 1982. Applicant: LEE WAY MOTOR FREIGHT, INC., P. O. Box 12750, Oklahoma City, OK 73157. Representative: T. M. Brown (same as above). *Contract, Irregular; General Commodities (except Classes A & B explosives, HHG's, and commodities in bulk) between points in the U.S. (except AK and HI) under continuing contract with Phillips Petroleum Co. and its subsidiaries, Bartlesville, OK.*

MC 139905 (Sub-5-3 TA), filed June 3, 1982. Applicant: R. B. STUCKY & N. M. STUCKY, d.b.a. S & S Dairies, Route 2, Moundridge, KS 67107. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Liquid sweeteners, from Keokuk, IA to Wichita, KS. Supporting shipper: Pepsi-Cola Bottling Co. of Wichita, Inc., 301 N.W. McLean Bldg., Wichita, KS 67201.*



MC 144449 (Sub-5-6TA), filed June 4, 1982. Applicant: A & A CONTRACT CARRIERS, A & A MOVING & STORAGE, d.b.a., 2412 Blue Smoke Court South, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; irregular; *restaurant fixtures, furnishings and supplies* between points in the U.S. (except AK & HI), under continuing contract(s) with H & K Dallas, of 1343 S. Henderson Ave., Dallas, TX 75223.

MC 146336 (Sub-5-6TA), filed June 1, 1982. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609-109th Street, Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Contract; irregular; *general commodities* (except household goods Classes A and B explosives and commodities in bulk) between Irving, TX, on the one hand, and, on the other, Indianapolis, IN; Monmouth Jct., NJ; Chicago, IL; Los Angeles and Sunnyvale, CA under continuing contract(s) with NCH Corporation. Supporting shipper(s): NCH Corporation, 2730 Carl Road, Irving, TX 75062.

MC 146553 (Sub-5-24TA), filed June 1, 1982. Applicant: ADRIAN CARRIERS, INC., P.O. Box 3532, Davenport, IA 52808. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Such merchandise as is dealt in by those engaged in public warehouse and distribution center operations, between the facilities of Federal Warehouse Company at Peoria and East Peoria, IL on the one hand, and on the other, Pts in the U.S. Supporting shipper(s): Federal Warehouse Company, P.O. Box 1329, Peoria, IL 61654.*

MC 146970 (Sub-5-1TA), filed June 1, 1982. Applicant: J & J GUTIERREZ, INC., Box 336, Elsa, TX 78543. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. *Foodstuffs* (except in bulk), from the facilities of Texsun Corporation, in Hidalgo and Cameron Counties, TX, to points in AR, IL, IN, IA, KS, LA, MS, MO, NE, OK, TN and WI.

MC 151946 (Sub-5-2TA), filed June 3, 1982. Applicant: BIG LAKE TRANSPORT, INC., P.O. Box 98, Charleston, MO 63834. Representative: Edward P. Bock, P.O. Box 496, Mineral Ridge, OH 44440. Contract irregular. *General commodities* (except household goods, classes A and B explosives and commodities in bulk) between points in the U.S. (except AK and HI) under a continuing contract(s) with Fairchild Camera and Instrument Corp. of Mountain View, CA.

MC 155806 (Sub-5-3TA), filed June 3, 1982. Applicant: B-LINE EXPRESS, INC.,

Route 3, Hwy 59 West, Atchison, KS 66002. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *General commodities* (except those of unusual value, Class A & B Explosives, Household Goods as defined by the Interstate Commerce Commission, Commodities in bulk, and those requiring special equipment), Between Atchison County, KS on the one hand, and points and places in NE, IA, IL and MN, on the other hand. Supporting shippers: The Lockwood Co., Inc., Atchison, KS 66002; Atchison Leather Products Co., Inc., Atchison, KS 66002; The Pillsbury Co., Atchison, KS 66002; Atchison Ks. Div., of Rockwell Industries, Atchison, KS 66002; Atchison Hospital Assoc., Atchison, KS 66002.

MC 157105 (Sub-5-1TA), filed June 3, 1982. Applicant: B & R TRUCK LINE, INC., P.O. Box 30001, Houston, TX 77009. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. *Mercer commodities* and those commodities, because of their size or weight, require the use of special handling or equipment, between points in TX, OK, LA, AR, NM, and MS. Supporting shippers: 6.

MC 157957 (Sub-5-3TA), filed June 3, 1982. Applicant: LORAS KALB, 904 Monticello Drive, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. Contract; irregular, *coal and coal products*, from points in Dubuque County, IA, to points in Richland County, WI, under continuing contracts with Carbon Energies, Inc., Naperville, IL.

MC 158682 (Sub-5-2TA), filed June 1, 1982. Applicant: H.L.S. COMPANY, P.O. Box 1868, Council Bluffs, IA 51501. Representative: James M. Hodge, 3730 Ingersoll, Des Moines, IA 50312. (1) *Rubber products*, and (2) *Such commodities as are dealt in by retail and wholesale furniture and appliance stores*, (1) From points in the U.S. (except AK and HI) to the facilities of Good-More Enterprises Co. at Omaha, NE and (2) Between the facilities of Nebraska Furniture Mart, Inc. at Omaha, NE on the one hand, and on the other, points in AL, AR, GA, IN, KY, LA, MS, NC, SC, TN, VA and WV. Supporting shipper(s): Good-More Enterprises Co., 614 South 11th, Omaha, NE 68102; Nebraska Furniture Mart, Inc., 700 South 72nd Street, Omaha, NE 68114.

MC 162014 (Sub-5-1TA), filed June 2, 1982. Applicant: HULL FARMS TRANSPORT, INC., Rt. #2 Box 196, Ulrich, MO 64788. Representative: Roger Irvin, 130 E. Main, Adrian, MO 64720. Contract, irregular; *soybean meal in*

*bulk*, from Kansas City, MO commercial zone to the facilities of Ralston Purina Company at or near Denver, CO. Supporting shipper: Ralston Purina Company, St. Louis, MO.

MC 162026 (Sub-5-1TA), filed June 3, 1982. Applicant: KENNETH E. BODNAR, INC., P.O. Box 24, Hwy 10 East, Hackett, AR 72937. Representative: Thompson Industries, Inc., P.O. Box 810, Russellville, AR 72801. Contract, irregular; *green & treated cross ties and/or kiln dried lumber products* between points in the U.S. Supporting shipper: Thompson Industries, Inc., P.O. Box 810, Russellville, AR 72801.

MC 162257 (Sub-5-1TA), filed June 1, 1982. Applicant: MARLIN BEARD, d.b.a. MARLIN'S I-10 TRANSPORT, P.O. Box 456, Vidor, TX 77662. Representative: Doyle G. Owens, 4655 Dellwood, Beaumont, TX 77706. *Motor Vehicles*, between Vidor, TX and Sour Lake, TX, on the one hand, and on the other, Gulfport, MS, Houma, LA, Jeanerette, LA, Morgan City, LA, New Orleans, LA, Miami, FL, N. Miami Beach, FL, Tucson, AZ, Phoenix, AZ, St. Louis, MO, and Kansas City, MO. Supporting shippers: Buller and Buller Used Cars, Inc., P.O. Box 1028, Vidor, TX and Town and Country Chevrolet, P.O. Box 999, Sour Lake, TX 77659

MC 162260 (Sub-5-1TA), filed June 1, 1982. Applicant: MATERIAL CONTRACTING, INC., 7th & Olive, St. Joseph, MO 64501. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, P.C., 20 East Franklin, P.O. Box 258, Liberty, 64068. Contract, irregular; *commodities in bulk* between points in MO, KS, NE, IA, and OK. Supporting shipper: Feeney Ready Mix Concrete, Inc., 7th & Olive, St. Joseph, MO 64501.

MC 162317 (Sub-5-1TA), filed June 3, 1982. Applicant: PACKARD TRUCK LINES, INC., Post Office Box 1536, Harvey, LA 70059. Representative: Claiborne Perrilliat (Same as Applicant). (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, between points in LA on the one hand, and, on the other, points in MS, OK, TX, AL. (2) *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in LA on the one hand, and, on the other,



points in MS, OK, TX, AL. Supporting shippers: 17.

MC 162338 (Sub-5-1TA), filed June 4, 1982. Applicant: TKOMA LINES, INC., P.O. Box 1266, Claremore, OK 74017. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Common; regular. *Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers*, (1) between Oklahoma City, OK and Texarkana, TX: From Oklahoma City to Norman, OK over Interstate Highway 35, thence along Interstate 35 to junction State Highway 9 south of Norman, OK, thence along State Highway 9 to Tecumseh, OK, thence along U.S. Highway 177 to Shawnee, OK, thence along State Highway 3E to intersection State Highway 9A east of Shawnee, OK, thence along State Highway 9A to intersection State Highway 9 at or near Earlsboro, OK, thence along State Highway 9 to Seminole, OK, thence along State Highway 99 to Ada, OK, thence along State Highway 3 to intersection U.S. Highway 75 near Coalgate, OK, thence along U.S. Highway 75 to Atoka, OK, thence along State Highways 7 and 3 to Antlers, OK, thence along U.S. Highway 271 to junction U.S. Highway 70, thence along U.S. Highway 70 to intersection U.S. Highways 59 and 71 north of Lockesburg, AR, thence along U.S. Highways 59 and 71 to Texarkana, AR and return serving all intermediate points. Alternate route: From Ada, OK south along State Highway 99 to intersection U.S. Highway 70 at Madill, OK, thence along U.S. Highway 70 to Hugo, OK. (2) Between Hugo, OK and Paris, TX: From Hugo to Paris over U.S. Highway 271 and return serving all immediate points. (3) Between Ada, OK and Wichita Falls, TX: From Ada along State Highway 1 to intersection State Highway 7 south of Hickory, OK, thence along State Highway 7 to junction U.S. Highway 177 at Sulphur, OK, thence along U.S. Highway 177 to intersection U.S. Highway 70 at Dickson, OK, thence along U.S. Highway 77 to intersection State Highway 79 west of Waurika, OK, thence along State Highway 79 to Wichita Falls, TX and return serving all intermediate points.

Note.—Applicant intends to interline. Supporting shippers: There are 13 supporting shippers.

MC 162339 (Sub-5-1TA), filed June 6, 1982. Applicant: LESTER WINFREE, d.b.a. LESTER WINFREE RICE AND CATTLE, Route 9, Box 347, Orange, TX 77630. Representative: Doyle G. Owerfs, 4655 Dellwood, Beaumont, TX 77706. *Pipe and Oil Well Supplies*, between Beaumont, TX, Orange, TX, and Port

Arthur, TX on the one hand, and, on the other, Houston, TX, Dayton, TX, Liberty, TX, Dallas, TX, Lone Star, TX, Winnie, TX, Abilene, TX, Midland, TX, Odessa, TX, Sabine Pass, TX, Corpus Christie, TX, Ft. Worth, TX, New Orleans, LA, Lake Charles, LA, Houma, LA, Morgan City, LA, Lafayette, LA, Baton Rouge, LA, Shreveport, LA, Gretna, LA, Harvey, LA, Intracoastal City, LA, Cameron, LA, and Hackberry, LA. Supporting shipper: Western Pacific Industries, Inc., Route 1, Box 1600, Orange, TX 77630.

MC 162341 (Sub-5-1TA), filed June 4, 1982. Applicant: HAZEL MARSHALL, d.b.a. HAZEL'S HOTSHOT SERVICE, 13351 Kit, P.O. Box 401052, Dallas, TX 75240. Representative: James W. Hightower, Hightower, Alexander, Cook and Birnbaum, P.C., 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237-2385. *Parts and attachments for machinery between Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in OK. Supporting shippers: Darr Equipment Company, P.O. Box 20737, Dallas, TX 75220 and 2000 East Airport Freeway, Irving, TX 75061, and Boecking Machinery Company, 4501 W. Reno, Oklahoma City, OK 73127.*

MC 162343 (Sub-5-1TA), filed June 3, 1982. Applicant: MO-KAN COURIER SERVICE, INC., 3008 South 44th Street, Kansas City, KS 66106. Representative: James J. Nathanson (same as applicant). Contract: Irregular. *Machine parts and related commodities*, between Kansas City, KS and points in AR, IL, IA, LA, MO, NE, OK and TX. Supporting shipper: Engineering, Plating & Processing, Inc., 641 Southwest Boulevard, Kansas City, KS 66103.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 147974 (Sub-6-1TA), filed June 1, 1982. NOEL TERRY BORDEN d.b.a. BORDEN AND SON'S CRANE AND RIGGING, 1112 E. Service Rd., Ceres, CA 95307. Applicant's representative: Noel Terry Borden (same as applicant). *Molded fiber glass pools*. Milpitas, Hollister, Ukiah, Manteca, Sacramento, Plam Springs, CA, Portland, Salem and Medford, OR, Seattle & Spokane, WA., for 270 days. Supporting shipper: Classic Spas, Inc., 765 Montague Expressway, Milpitas, CA 95035.

MC 144542 (Sub-6-1TA), filed June 2, 1982. Applicant: CAR TRANSPORTERS CORPORATION, 2001 West Fourth Plain, Vancouver, WA 98660. Representative: Brian L. Troiano, 918 16th Street, NW., Washington, D.C. 20006. *Contract carrier, irregular routes*

*Automobiles*, between Portland, OR, on the one hand, and, on the other, points in ID, MT, OR, WA, and WY, under contract with Subaru Northwest, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Subaru Northwest, Inc., 8040 N.E. 33rd Drive, Portland, OR, 97211.

MC 162259 (Sub-6-1TA), filed May 28, 1982. Applicant: D.E.L.L. TRUCKING, INC., P.O.B. 1230, Ft. Morgan, CO 80701. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Mercer Commodities between points in CO, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, NM, WY, MT, UT and CA for 270 days. Supporting shippers: There are 13 shippers. Their statements may be examined at the Regional Office listed.*

MC 1515 (Sub-6-19TA), filed June 1, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). *Common carrier; regular routes, passengers and their baggage and express and newspapers in the same vehicle with passengers*, between Rome, GA and Calhoun, GA, over Highway 53, serving all intermediate points, for 180 days. An underlying E.T.A. seeking 90 days authority has been filed. Applicant intends to tack this authority with authority it presently holds in MC-1515. Supporting shippers: C. T. Craton, Battery Machinery Co., 102 W. 2nd Ave., Rome, GA; Don Bowen, Route #2, Resaca, GA; Sylvia Chorn, Calhoun, GA.

MC 158755 (Sub-6-2TA), filed June 2, 1982. Applicant: IRELAND FARM EQUIPMENT LTD., P.O. Box 757, Vermilion, Alberta, CD T0B 4M0. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200A, Park Ridge, IL 60068. *Farm machinery*, from the facilities of Hesston Corporation at or near Hesston, KS to the International Boundary between the U.S. and CD at Portal, ND, for 270 days. Supporting shipper: Hesston Industries Ltd., No. 2—2315-30 Avenue, N.E., Calgary, Alberta, CD T2E 7C7.

MC 158526 (Sub-6-2TA), filed June 2, 1982. Applicant: MERGENTHALER TRANSFER & STORAGE CO., 1414 N. Montana Ave., Helena, MT 59601. Representative: David L. Jackson, 203 N. Ewing St., Helena, MT 59601. *General commodities (except Class A and B explosives, commodities in bulk, and household goods)* between Helena, Winston, Townsend, Toston and White Sulphur Springs, MT, over U.S. 12, 287 and 89, for 270 days. Supporting shippers: There are 7 shippers. Their



statements may be examined at the Regional office listed.

MC 162300 (Sub-6-1TA), filed June 1, 1982. Applicant: RODMAN ENTERPRISES, 522 Box Elder, Paonia, CO 81428. Representative: C. Joseph Croker, 725 Rood Ave., Grand Junction, CO 81501. *Contract Carrier*, Irregular routes, *heavy equipment, coal coke, rock dust, roofmats, roof bolts, rock and other by-product residue of coal processing*, from Paonia, CO to points in NV, CA, WY, UT, AZ, NM, TX, OK, MT, OR, WA, ID, KS, NE and between these states for the account of Pacific Basin Coal and Carbon. Restricted against transportation of liquids in tank vehicles or commodities in refrigerator vehicles, for 270 days. Supporting shipper: Pacific Basin Coal and Carbon, 17922 Fitch Avenue, #210, Irvine, CA 92714.

MC 162314 (Sub-6-1TA), filed June 2, 1982. Applicant: SAUER & SONS TRANSPORT LTD., General Delivery, Picture Butte, Alberta, CD TOK 1V0. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200A, Park Ridge, IL 60068. *Meat, meat products, meat byproducts and articles distributed by meat packing houses*, from the ports of entry along the U.S.-Canadian International Boundary Line at Eastport, ID and Sweetgrass, MT to points in the U.S. in and west of MT, WY, CO and NM, for 270 days. Supporting shipper: Lakeside Packers, a division of Lakeside Farm Industries Ltd., P.O. Box 1868, Brooks, Alberta, CD T0J 0J0.

MC 143562 (Sub-6-1TA), filed June 2, 1982. Applicant: DONALD R. FORD, d.b.a. SERVICE TRANSPORT, P.O. Box 37, Burbank, WA 98323. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Food products and supplies and such commodities as are dealt in by wholesale and retail food business houses* between points in Walla Walla, Franklin, and Benton Counties, WA on the one hand and points in OR and CA on the other hand for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bur-bee Company, 822 W. Main, Walla Walla, WA 99362.

MC 162262 (Sub-6-1TA), filed June 1, 1982. Applicant: SUNSHINE CHARTERS, INC., P.O. Box 134, Wallula, WA 99363. Representative: Lester L. Kelly (same as applicant) *Water Carrier*, Irregular Routes: *Passengers in Special and Charter operations* between points in ID, OR & WA on the Columbia and Snake Rivers for 180 days. Supporting shipper(s): Pacific Northwest Countryside Tours, 1020-108th N.E., Bellevue, WA 98004; Alladin's Desert River Inn, 705

Willamette, Umatilla, OR 97882; Clover Island Motor Inn, 435 Clover Island, Kennewick, WA 99336; White Lightning Tours, Inc., 419 N. Yelm St., Kennewick, WA 99336.

MC 126104 (Sub-6-1TA), filed June 1, 1982. Applicant: TRAMCOR CORPORATION, 2711 Midland Dr., Ogden, UT 84401. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage*, irregular routes, *clay, concrete, glass and stone products, and metal products*, between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, & WY, under a continuing contract(s) with Interpace Corp., for 270 days. ETA seeks 120 days authority. Supporting shipper: Interpace Corporation, 736 W. Harrisville Rd., Ogden, UT 84402.

MC 160774 (Sub-6-2TA), filed June 1, 1982. Applicant: TRANSCO SERVICES, INC., P.O. Box 20133, Phoenix, AZ 85036. Representative: Robinson & Ames, 2228 W. Northern Ave., Phoenix, AZ 85021. *General Commodities (except hazardous materials and household goods)* between points along the U.S./Mexican border in Hidalgo, Starr and Cameron Counties, TX, on the one hand, and on the other hand, points in TX, having a prior or subsequent movement in foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Rey-Mex-Bra S.A. de C.V., Apartado Postal No. 90, Reynosa, Tamaulipas, Mexico; Jimmy Santos, Inc., P.O. Box 1255, Hidalgo, TX 78557; Consejo Nacional de la Industria Maquiladora, Apartado Postal No. 90, Reynosa, Tamaulipas, Mexico.

MC 153384 (Sub-6-2TA), filed May 28, 1982. Applicant: JOHN C. WARD, Rt. 4 Box 331, Newberg, OR 97132. Representative: John C. Ward (same as applicant). *Refractory brick, Exothermic materials, Chemical and mineral compounds* except in bulk between Cuyhoga and Lorain Co., OH to Lewis Co., WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Foseco Inc., 20200 Sheldon Road, Brookpark, OH. Agatha L. Mergenovich, Secretary.

[FR Doc. 82-15931 Filed 6-11-82; 8:45 am]  
BILLING CODE 7035-01-M

#### [Volume No. 266]

#### Permanent Authority Decisions; Restriction Removals; Decision

Decided: June 7, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian carrier applicants: In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority*.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,  
Secretary.

MC 99938 (Sub-12)X, filed May 26, 1982. Applicant: VAN'S AUTO & AIR EXPRESS, INC., P.O. Box 2340, Newburgh, NY 12550. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017. Sub-9F: (1) Remove ex-air restriction; (2) remove the facilities limitation; (3) broaden to (a) Orange County, NY, for Stewart Airport, Newburgh, NY; (b) Westchester County, NY, for Rye, NY, and (c) Fairfield County, CT for Stratford, CT.

MC 141635 (Sub-4)X, filed May 10, 1982. Applicant: LAVERN GIBSON SERVICE COMPANY, INC., P.O. Box 1123, Henderson, TX 75652. Representative: Timothy Mashburn, P.O.



Box 2207, Austin, TX 78768-2207. Sub-No. 2, (1) broaden disabled, repossessed, and replacement vehicles, and trailers, other than trailers designed to be drawn by passenger vehicles, by use of wrecker equipment only, to "transportation equipment" and (2) remove exception of TX in radial authority between TX, and, points in the US (except AK, HI, and TX).

MC 145231 (Sub-1)X, filed May 28, 1982. Applicant: KROY TRANSPORTATION CO., P.O. Box 309, York, NE 68467. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Lead permit: broaden (1) to "metal products, rubber and plastic products, and machinery," from pipe, pipe fittings and irrigation equipment, and materials, equipment and supplies used in their manufacture and distribution; (2) to "between points in the United States," under continuing contract(s) with the named shippers; and (3) eliminate "except commodities in bulk, in tank vehicles" in materials, equipment and supplies part of the commodity description.

[FR Doc. 82-15929 Filed 6-11-82; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carrier Permanent Authority Decisions; Decision

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform

the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

### Volume No. OP1-96

Decided: June 7, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-450 (Sub-2), filed May 26, 1982.

Applicant: AMERICAN WORLD FORWARDERS, INC., 4411 East 119th St., Grandview, MO 64030. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006, (202) 833-8884. Transporting *used household goods, unaccompanied baggage, and used automobiles*, between points in AK, on the one hand, and, on the other, points in the U.S.

FF-600, filed May 20, 1982. Applicant: AMODIO WORLD-WIDE FORWARDERS, INC., 600 East Street, New Britain, CT 06014. Representative: Robert J. Gallagher, 1000 Connecticut

Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785-0024. As a *freight forwarder*, in connection with the transportation of *household goods*, as defined by the Commission, between points in the U.S.

MC 2900 (Sub-456), filed May 24, 1982. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (same address as applicant), (904) 353-3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH.

MC 94350 (Sub-437), filed May 27, 1982. Applicant: TRANSIT HOMES, INC., 400 Hayward Road, Greenville, SC 29607. Representative: Edward J. Kiley, 1730 M Street, NW., Washington, DC 20036. Transporting *motorized recreational vehicles*, between points in Marion County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 126091 (Sub-22), filed May 24, 1982. Applicant: FRALEY & SCHILLING, INC., c/o General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *rubber and plastic products*, between points in Rutherford County, NC, Orange County, NY, and Brooke County, WV, on the one hand, and, on the other, points in GA, FL, MA, MN, PA, NC, KY, TN, MO, IA, VA, MD, OH, MI, NY, MS, NJ, IN, and IL.

MC 131031 (Sub-1), filed May 27, 1982. Applicant: COM-TRAN, INC., P.O. Box 12574, North Kansas City, MO 64116. Representative: James M. Hagan, 4625 Highway 80 East, Mesquite, TX 75150, (214) 324-3666. Transporting *iron and steel articles*, (a) between Dallas and Houston, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between Kansas City, MO, on the one hand, and, on the other, points in TX.

MC 142810 (Sub-8), filed May 28, 1982. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Bldg., Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502)-227-7326. Transporting *petroleum and petroleum products*, between New Albany, IN, on the one hand, and, on the other, points in KY.

MC 145481 (Sub-38), filed May 27, 1982. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: Steven K. Kuhlmann,



717 17th St., Suite 2600, Denver, CO 80202-3357, (303)-892-6700. Transporting (1) *furniture and fixtures*; and (2) *such commodities as are dealt in by home furnishing, department and appliance stores*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tatum Company of America, Inc., of Long Beach, CA.

MC 160770, filed May 27, 1982. Applicant: JAMES LEETE, d.b.a. JAMES LEETE TRUCKING, P.O. Box 147, Farmersburg, IA 52047. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *dry fertilizer* between (1) points in Crawford County, WI, on the one hand, and, on the other, points in Dubuque, Delaware, Clayton, Fayette, and Buchanan Counties, IA; and (2) points in Putnam County, IL, and Vernon and Dane Counties, WI, on the one hand, and, on the other, points in Clayton, Allamakee, and Winneshiek Counties, IA.

MC 161190, filed May 27, 1982. Applicant: CONDOR EXPRESS INCORPORATED, 6756 Fath Court, Cincinnati, OH 45239. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OH, KY, IN, TN and GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 162111, filed May 20, 1982. Applicant: WILLIAMS BUS TOURS, 5512 5th St., N.E., Washington, DC 20011. Representative: Paul A. Quander, Jr., 2804 Martin Luther King Jr. Ave., S.E., Washington, DC 20032, (202) 561-0100. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in DC and extending to points in ME, RI, VT, NH, NY, MA, CT, NJ, PA, MI, IL, OH, KY, WV, MD, VA, DE, IN, NC, SC, GA, FL, AL, MS, TN, and MO.

MC 162141, filed May 21, 1982. Applicant: ESCAMBIA TRUCKING COMPANY, Route 5, Box 2-E, Brunswick, GA 31520. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237 (404) 477-1525. Transporting *lumber and wood products, metal products and building materials*, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 162151, filed May 24, 1982. Applicant: NORTH SIDE PRODUCE COMPANY, 6029 North 16 Street, Omaha, NE 68101. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106 (402) 392-1220. Transporting *food and related products*,

between points in NE, on the one hand, and, on the other, points in NE, KS, and IA, under continuing contract(s) with Nash-Finch Company of Minneapolis, MN.

MC 162200, filed May 26, 1982. Applicant: ACE FEED COMPANY, INC., 6603 Romilly Drive, Jacksonville, FL 32210. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 162220, filed May 27, 1982. Applicant: SCHAFFER BUS SERVICE, INC., 3501 Hampstead Mexico Road, Hampstead, MD 21074. Representative: Wesley D. Blakeslee, 127 East Main St., P.O. Box 525, Westminster, MD 21157, (301) 848-3333. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Anne Arundel, Baltimore, Carroll, Harford, Howard and Montgomery Counties, MD, and Adams and York Counties, PA, and extending to points in the U.S. (except AK and HI).

#### Volume No. OP3-086

Decided: June 7, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 9644 (Sub-20), filed May 24, 1982. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4018, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), serving Shennadoah, IA, as an off-route point, in connection with carrier's otherwise authorized regular-route operations, and (2) *transportation equipment*, between Shenandoah, IA, on the one hand, and, on the other, Kansas City, MO.

MC 15735 (Sub-44), filed May 24, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, (same address as applicant), (312) 681-8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Intel Corporation, of Santa Clara, CA.

MC 15735 (Sub-45), filed May 24, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, (same address as applicant), (312) 681-

8378. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Rohm and Haas Company, of Philadelphia, PA.

MC 57275 (Sub-16), filed April 5, 1982, previously noticed in the F.R. on April 20, 1982. Applicant: SCHADE REFRIGERATED LINES, INC., 4420 N. 42nd Ave., Phoenix, AZ 85019. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012 (602) 274-5146. Transporting (1) *food and related products*, (2) *chemicals and related products*, and (3) *instruments and photographic goods*, (a) between points in AZ, and (b) between points in AZ, on the one hand, and, on the other, points in Imperial, Riverside, and San Bernardino Counties, CA, Dolores and La Plata Counties, CO, Clark County, NV, San Juan and McKinley Counties, NM, and Kane and Washington Counties, UT.

Note.—This republication corrects the territorial description.

MC 77874 (Sub-8), filed May 24, 1982. Applicant: ALVIN D. FREY, INC., 966 York St., Hanover, PA 17331. Representative: Norman T. Petow, 43 North Duke St., York, PA 17401 (717) 843-8004. Transporting (1) *such commodities as are dealt in or used by grocery and food business houses*, and (2) *wooden pallets*, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, on the one hand, and, on the other, points in MD, NJ, NY, OH, PA, VA, and DC.

MC 110144 (Sub-26), filed May 26, 1982. Applicant: ROBINSON FREIGHT LINES, P.O. Box 4126, Knoxville, TN 37921. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103 (901) 526-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Hancock County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application may be tacked with applicant's existing regular-route authority.

MC 110325 (Sub-185), filed May 27, 1982. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as applicant), (213) 640-1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sears, Roebuck and



Company and its subsidiaries of Chicago, IL.

MC 110525 (Sub-1323), filed May 24, 1982. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Lionville, PA 19353. Representative: Robert K. Maslin (same address as applicant), (215) 363-4282. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Shell Oil Co., of Houston, TX.

MC 118494 (Sub-1), filed May 24, 1982. Applicant: DENALI TRANSPORTATION CORPORATION, P.O. Box 1752, Anchorage, AK 99501. Representative: Henry C. Winters, 12800 S.E. 38th, Suite 200, Bellevue, WA 98006, (206) 644-2100. Transporting *general commodities* (except classes A and B explosives), between Seattle and Tacoma, WA, and Portland, OR, on the one hand, and, on the other, points in the AK.

MC 119875 (Sub-16), filed May 27, 1982. Applicant: WAR-HUNT TRUCKING CO., INC. RD #8, Box 129, Allentown, PA 18104. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. Transporting *food and related products*, between Chicago, IL, and points in CT, DE, IN, KY, MA, MD, ME, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WV, and DC.

MC 140554 (Sub-2), filed May 27, 1982. Applicant: HEY, INC., d.b.a. SOUTHWEST TOURS, Route 4, Box 51A, Marshall, MN 56258. Representative: Patrick J. Leary, 509 West Main St., Marshall, MN 56258, (507) 532-5766. As a *broker*, at Marshall, MN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points MN, ND, SD, IA, and WI, on the one hand, and, on the other, points in the U.S.

MC 141094 (Sub-7), filed December 28, 1981. Applicant: ACME TRUCKING, INC., 109 E. Main St., Newark, OH 43055. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43221. Transporting *general commodities* (except classes A and B explosives), between Heath and Hebron, OH, and Licking and Newark Townships, OH, on the one hand, and, on the other, points in the U.S.

MC 142864 (Sub-33), filed May 24, 1982. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *such commodities* as are dealt in or used by manufacturers and

distributors of rubber and rubber products and food and related products, between points in Stark County, OH, and Allegheny County, PA on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143065 (Sub-5), filed May 24, 1982. Applicant: WEATHERFORD TRANSIT, INC., Hwy. 15N, Hartsville, SC 29550. Representative: Kim G. Meyer, 235 Peachtree St., N.W., Suite 1200, Atlanta, GA 30303, (404) 522-2322. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, (1) between the New York La Guardia, John F. Kennedy, and Newark Airports, at or near New York, NY, Dulles Airport and Washington National Airport, at or near Washington, DC, Friendship Airport, at or near Baltimore, MD, San Francisco International Airport, Oakland Airport, and San Jose Airport, at or near San Francisco, CA, Los Angeles International Airport, at or near Los Angeles, CA, Charlotte Airport, at or near Charlotte, NC, and Atlanta International Airport, at or near Atlanta, GA, and points in the U.S. (except AK and HI), and (2) beginning and ending at points in Atlanta, GA, Charlotte, NC, and Nashville and Knoxville, TN, and extending to points in the U.S. (except AK and HI).

MC 145225 (Sub-4), filed May 24, 1982. Applicant: GAULCO, LTD., 1700 Church Ave., Winnipeg, Manitoba, Canada R2X 2W9. Representative: Robert D. Givold, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *lumber and wood products*, between ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Trojan Board, Ltd., of Winnipeg, Manitoba, Canada.

MC 147465 (Sub-3), filed May 27, 1982. Applicant: MOORE & SON CO., 1101 Cable Ave., Columbus, OH 43222. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *metal products and shipping and packaging materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Metal Container Corporation, of Columbus, OH.

MC 148634 (Sub-4), filed May 24, 1982. Applicant: COMPASS TRANSPORTATION COMPANY, P.O. Box 81225, San Diego, CA 92138. Representative: David P. Downey (same address as applicant), (714) 571-1549. Transporting *cleaning and washing compounds*, between points in Los Angeles County, CA, on the one hand,

and, on the other, points in Maricopa, Pinal and Pima Counties, AZ.

MC 152744 (Sub-6), filed May 27, 1982. Applicant: CITADEL TRANSPORT, INC., 180 North Michigan Ave., Suite 400, Chicago, IL 60601. Representative: Thomas M. O'Brien, 180 North Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263-1600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages and snack foods, between points in the U.S. (except AK and HI), under continuing contract(s) with Anheuser-Busch Companies, Inc., of St. Louis, MO.

MC 154234 (Sub-2), filed May 26, 1982. Applicant: LAMBERT TRANSFER CO., a Corporation, 666 Grand Ave., Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245-2725. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155234 (Sub-3), filed May 27, 1982. Applicant: STOW TRANSPORT, INC., 3275 Kent Road, Stow, OH 44224. Representative: Garry J. Boecker (same address as applicant), (216) 688-6262. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 157255 (Sub-1), filed May 27, 1982. Applicant: RANGER EXPRESS CO., P.O. Box 950, Ashtabula, OH 44004. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Champion International Corporation of Stamford, CT and Northeast Box Company, Inc. of Ashtabula, OH.

MC 161735, filed April 29, 1982, previously noticed in the Federal Register on May 19, 1982. Applicant: MOTOR COACH TOURS, INC., 13 Syossett Lane, Cazenovia, NY 13035. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322-5030. As a *broker* at Cazenovia and Syracuse, NY, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

**Note.**—This republication adds an additional location, Syracuse, NY.



MC 161874, filed May 25, 1982.

Applicant: B & D TRANSPORTATION, INC., P.O. Box 37581, Omaha, NE 68137. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transportation *food and related products*, between points in Pottawattamie County, IA, Douglas and Sarpy Counties, NE, and Monmouth County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162905, filed May 24, 1982.

Applicant: TRI-LINE TRANSPORTATION, INC., 14 E. 5th St., Ada, MN 56510. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *lumber and wood products*, between points in CA, ID, MT, OR and WA, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, OK, PA, SD, TX and WI.

MC 162095 (Sub-1), filed May 24, 1982.

Applicant: TRI-LINE TRANSPORTATION, INC., 14 East 5th Street, Ada, MN 56510. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *lumber and wood products, paper and paper products, and building materials*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 162104 (Sub-1), filed May 24, 1982.

Applicant: PETERSON EXPRESS, INC., P.O. Box 41770, Indianapolis, IN 47241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *such commodities* as are dealt in or used by service stations and commercial food stores, between points in AR, TN, IA, KY, MO, WI, IL, IN, MI, OH, PA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162174, filed May 25, 1982.

Applicant: RED & TAN TOURS, a Corporation, 437 Tonnele Ave., Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (212) 532-5100. Transporting *passengers and their baggage*, in charter operations, between points in the U.S., under continuing contract(s) with Parker Tours, of New York, NY.

MC 162175, filed May 24, 1982.

Applicant: CLEM HAGENHOFF, 1049 Oakley, Wentzville, MO 63385. Representative: Herman W. Huber, 101 E. High St., Jefferson City, MO 65101, (314) 636-9131. Transporting *petroleum and petroleum products*, between points in Madison and St. Clair Counties, IL, on the one hand, and, on the other, points in MO.

MC 162184, filed May 24, 1982.

Applicant: LOADSTAR TRANSPORT, INC., 14403 Portland Ave., S. Burnsville, MN 55337. Representative: L. K. Hansen (same address as applicant), (612) 435-8536. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MN, on the one hand, and, on the other, points in the U.S. (except HI).

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-15930 Filed 6-11-82; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### United States v. Gary L. McAliley, et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement, as set forth below, have been filed with the United States District Court for the Middle District of Alabama in *United States v. Gary L. McAliley, et al.*, Civil Action No. 80-111-S. The Complaint alleged that the defendants and their co-conspirators engaged in a combination and conspiracy to fix fees for legal and related services by formulating and disseminating a fee schedule in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed Final Judgment enjoins the defendants from fixing legal fees in concert with others and further prohibits certain communications about legal fees between the defendants and any other attorney, except members of the same firm. Each defendant is also required to destroy all jointly formulated fee schedules.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the *Federal Register* and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530 (Telephone: 202/633-2425).

Joseph H. Widmar,  
Director of Operations.

U.S. District Court, Middle District of Alabama, Southern Division

*United States of America*, Plaintiff, v. *Gary L. McAliley, Daniel F. Carmichael, John C. Dowling, Thomas E. Haigh, S. Mark Jordan, D. Bruce McLean, and Paul Young*, Defendants.

Civil Action No. 80-111-S.

Filed: June 1, 1982.

### Stipulation

The parties, by their attorneys, stipulate that:

1. The parties consent that a Final Judgment in the form attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings, provided that the plaintiff has not withdrawn its consent, which it may do any time before the entry of the proposed Final Judgment by serving notice on the defendants and by filing that notice with the Court.

2. If the plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff:

William F. Baxter,  
Assistant Attorney General.  
Joseph H. Widmar,  
Charles F. B. McAller,  
John W. Poole, Jr.,  
Attorneys, U.S. Department of Justice.

For the Defendants:

L. Drew Redden,  
Redden, Mills & Clark, 940 First Alabama Bank Bldg., Birmingham, Alabama 35203,  
Attorney for Gary L. McAliley, Daniel F. Carmichael, John C. Dowling, Thomas E. Haigh, S. Mark Jordan, D. Bruce McLean, and Paul Young.

Joel F. Brenner,  
Steven B. Kramer,

Attorneys, Antitrust Division, United States Department of Justice, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530,  
Telephone: (202) 633-2836.

U.S. District Court, Middle District of Alabama, Southern Division

*United States of America*, Plaintiff, v. *Gary L. McAliley, Daniel F. Carmichael, John C. Dowling, Thomas E. Haigh, S. Mark Jordan, D. Bruce McLean, and Paul Young*, Defendants.

Civil Action No. 80-111-S.

Filed: June 1, 1982.

### Final Judgment

Plaintiff, *United States of America*, having filed its complaint on December 9, 1980, and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is



Ordered, adjudged and decreed, as follows:

# I

This Court has jurisdiction of the subject matter of this action and of the parties. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act, 15 U.S.C. 1.

# II

As used in this Final Judgment:

(A) "Legal fees" means any charge made by an attorney or law firm for services provided to a client.

(B) "Law firm" means a partnership, professional association, or professional corporation, formed by two or more attorneys pursuant to a written or oral agreement, through which the attorneys practice law as a group.

# III

This Final Judgment applies to the defendants and to each of their partners, members, agents, employees, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

# IV

(A) Each defendant is enjoined and restrained from directly or indirectly:

(1) Entering into, adhering to, participating in, maintaining, reviving, furthering, or enforcing with any other defendant, law firm, or attorney, any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy to fix, establish, raise, or maintain legal fees, or which has the effect of fixing, establishing, raising, or maintaining legal fees.

(2) Formulating, adopting, publishing, reviving, or renewing with any other defendant, law firm, or attorney, any list, formula, guide, or schedule for legal fees.

(3) Recommending, suggesting the use of, circulating, or otherwise transmitting to any other defendant, law firm or attorney, any list, formula, guide, or schedule for legal fees.

(4) Communicating to, requesting from, or exchanging with any other defendant, law firm or attorney any statistics or other information concerning past, current, or future legal fees, or consideration or contemplation of changes in legal fees by any attorney. Any defendant, however, may communicate with another defendant, attorney or law firm about legal fees where (a) such legal fees are to be determined by a court or included in a court order, (b) an attorney-client relationship exists between a defendant and another defendant, attorney or law firm with whom he is communicating, and the communications concern only legal fees incurred as a result of such relationship, (c) the attorneys communicating about legal fees are representing the same client in the same matter, and the communications concern the legal fees to be charged that client, or (d) such legal fees are to constitute all or part of a settlement of any dispute between the client of a defendant and a client of another defendant, attorney or law firm with whom he is communicating about legal fees, and the communications concern the

amount of legal fees that one client will pay the attorney of the other.

(B) Nothing in paragraph IV(A) shall apply as between any defendant and any member, partner, stockholder, associate, or employee of his law firm.

(C) Nothing in paragraph IV(A) shall prevent any defendant from attending any seminar presented by the Alabama State Bar.

(D) Each defendant shall destroy the original and all copies of any list, formula, guide, or schedule for legal fees that was formulated, directly or indirectly, by him and any other attorney not a member of his law firm, together with any notes, fee schedules or other guides used in the preparation of any such list, formula, guide, or schedule for legal fees.

# V

Each of the defendants is ordered and directed to file with this Court and serve upon the plaintiff, within sixty (60) days from entry of this Final Judgment, an affidavit describing the fact and manner of compliance with paragraph IV(D).

# VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to his business office, be permitted:

(1) Access during any defendant's office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of that defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of any defendant and without restraint or interference from him, to interview him, his partners, employees, agents, or associates, who may have counsel present, regarding any such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to any defendant's business office, that defendant shall submit such written reports, under oath if required, with respect to any of the matters contained in this Final Judgment as may be requested. No information or documents obtained by the means provided in this paragraph VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by any defendant to plaintiff, that defendant represents and identifies in writing any material in any such information or documents for which a claim of protection

may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to that defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

# VII

Jurisdiction is retained by this Court to enable any of the parties, but no other person or entity, to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this Final Judgment, for the enforcement or modification of any of its provisions, or for the punishment of any violations.

# VIII

This Final Judgment shall expire ten (10) years after its entry.

# IX

Entry of this Final Judgment is in the public interest.

Dated:

*United States District Judge.*

**U.S. District Court, Middle District of Alabama, Southern Division**

*United States of America, Plaintiff, v. Gary L. McAliley, Daniel F. Carmichael, John C. Dowling, Thomas E. Haigh, S. Mark Jordan, D. Burce McLean, and Paul Young, Defendants.*

Civil Action No. 80-111-S.

Filed: June 1, 1982.

# Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h) (the "Act"), the United States of America submits this Competitive Impact Statement relating to the proposed final judgment submitted for entry in this civil antitrust proceeding.

# I

## Nature and Purpose of the Proceedings

The Complaint in this action, filed on December 9, 1980, alleges that beginning at least as early as March, 1980 and continuing to filing of the Complaint, the defendants and their co-conspirators engaged in a combination and conspiracy to raise, fix, maintain and stabilize fees for legal and related services offered to purchasers in the Enterprise, Alabama area in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, by formulating, publishing, and disseminating a schedule of fees to be charged for attorneys' services.

In its Complaint, the Government asked the Court to find that the defendants and their co-conspirators engaged in such a conspiracy and requested the Court to enjoin the defendants from continuing or renewing the conspiracy or engaging in any other actions having a similar purpose or effect and to



order the defendants to destroy any jointly formulated fee schedule in their possession.

Entry of the proposed final judgment would terminate the action, except that the Court would retain jurisdiction over the matter for further proceedings which might be required to interpret, enforce or modify the judgment, or to punish violations of it.

## II

### *Description of the Practices Involved in the Alleged Violation*

The defendants are attorneys admitted to the bar of Alabama and practice law in the Enterprise, Alabama area.

The Complaint alleges that the defendants and their co-conspirators engaged in a combination and conspiracy to raise, fix, maintain, and stabilize fees for legal and related services provided in the Enterprise, Alabama area by formulating a fee schedule to be used in determining how much to charge clients. These services include giving advice, drafting documents, representing clients in litigation, conducting negotiations on behalf of clients, acting as fiduciaries, and closing real estate transactions.

The Complaint further alleges that the combination has had the following effects, among others:

(a) Fees charged by the defendants for their services have been raised, fixed, maintained, and stabilized at artificial and non-competitive levels;

(b) Price competition among the defendants for their services has been restrained; and

(c) Purchasers of legal and related services in the Enterprise, Alabama area have been deprived of the right to purchase such services at competitively determined prices.

## III

### *Explanation of the Proposed Final Judgment*

The United States and the defendants have stipulated that the Court may enter the proposed final judgment after compliance with the Act. The proposed final judgment provides that its entry does not constitute any evidence against or admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Act, the proposed final judgment may not be entered until the Court finds that entry is in the public interest.

#### *A. Prohibited Conduct*

The proposed final judgment prohibits each defendant, in concert with others, from continuing the conspiracy or participating in any activities whose purpose or effect is to fix, establish, raise, or maintain legal fees. Each defendant is also prohibited from jointly formulating, renewing, publishing, or adopting any list or similar guide used in calculating legal fees and from encouraging the use of any such guide. In addition, any form of communication between each defendant and any other attorney or law firm about legal fees is prohibited with certain exceptions, namely, (a) where the fees are court ordered, (b) where an attorney-client relationship exists between a defendant and the other attorney or law firm and the communication involves the fee to be charged as a result of that relationship, (c) where

there is joint representation of a client and the communication involves the fee to be charged that client, and (d) where the legal fees are part of a settlement between a client of a defendant and a client of another attorney or law firm and the communication involves the paying of that legal fee.

Nothing in the final judgment prohibits in-house communications in a law firm or prevents attendance at state bar seminars.

#### *B. Affirmative Obligations*

Each defendant is required to destroy any list or similar guide for legal fees that was formulated by him and any other attorney not a member of his law firm and to destroy any document used in preparation of such a list or guide.

#### *C. Scope of the Proposed Judgment*

The proposed final judgment will remain in effect ten (10) years from date of entry and applies to the defendants, and to each of their partners, members, agents, employees, successors, and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of the final judgment.

#### *D. Effect of the Proposed Judgment on Competition*

The relief in the proposed final judgment is designed to ensure that consumers have the opportunity to purchase legal and related services in the Enterprise, Alabama area at competitive rates.

Two methods for determining compliance with the terms of the final judgment are provided. First, upon reasonable notice, the Department of Justice is given access to any of the defendants' records relating to matters contained in the final judgment and is permitted to interview each of the defendant's partners, members associates, employees, or agents. Second, upon written request, the Department of Justice can require each defendant to submit written reports about any matters relating to the final judgment.

The Department of Justice believes that this final judgment contains adequate provisions to prevent further violations of the type upon which the complaint is based.

## IV

### *Remedies Available to Potential Private Litigants*

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed final judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the judgment has no automatic effect in any subsequent lawsuits that may be brought against the defendants.

## V

### *Procedures Available for Modification of the Proposed Judgment*

As provided by the Act, any person who believes that the proposed final judgment

should be modified may submit written comments to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to entry. The judgment provides that the Court retains jurisdiction over this action and that any of the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation, or enforcement.

## VI

### *Alternative to the Proposed Final Judgment*

The alternative to the proposed final judgment considered by the Department of Justice was a full trial of the issues on the merits and on relief. The Department considers the substantive language of the proposed judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary because the judgment provides appropriate relief against the violations alleged in the Complaint.

## VII

### *Determinative Materials and Documents*

No materials and documents of the type described in Section 2(b) of the Act, 15 U.S.C. 16(b), were considered in formulating the proposed final judgment.

Respectfully submitted,

/s/ Joel F. Brenner,

Steven B. Kramer,

Attorneys, Special Litigation Section,  
Antitrust Division, U.S. Department of Justice,  
10th & Pennsylvania Avenue, N.W.,  
Washington, D.C. 20530, Telephone: (202) 633-2836.

[FR Doc. 82-15993 Filed 6-11-82; 8:45 am]

BILLING CODE 4410-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82-33]

### Agency Report Forms Under OMB Review

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Agency Report Forms Under OMB Review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made the submission. The proposed forms under review are



listed below. One is a new requirement and the others are extensions.

Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

**DATE:** Comments must be received in writing by June 24, 1982. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

**ADDRESSES:** Christine Cabell, NASA Agency Clearance Officer, Code NSM-12, NASA Headquarters, Washington, DC 20546, and Edward Clarke, Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Christine Cabell, NASA Agency Clearance Officer, (202) 755-3219 or Edward Clarke, OMB Reviewer, (202) 395-4814.

#### Reports

**Title:** Aerospace Technologist (AST) Supplemental Qualification Statement  
**Type of Request:** New  
**Frequency of Report:** On occasion  
**Type of Respondent:** Applicants for Aerospace Technology positions  
**Annual Responses:** 800  
**Annual Reporting Hours:** 800  
**Federal Cost:** \$149.00  
**Number of Forms:** One  
**Abstract-Needs/Uses:** Applicants for NASA Aerospace Technologist jobs must provide information concerning their knowledge, skill, abilities and other characteristics (KSAOCs) related to positions applied for. The KSAOCs were developed under the Office of Personnel Management Uniform Guidelines on Employee Selection Procedure. This form will be used by applicants to provide the information

**Title:** Radioactive Material Transfer Receipt  
**Type of Request:** Extension  
**Frequency of Report:** On occasion  
**Type of Respondent:** NASA Contractors  
**Annual Responses:** 500  
**Annual Reporting Hours:** 250  
**Federal Cost:** \$2,500.00  
**Number of Forms:** One  
**Abstract-Needs/Uses:** The Nuclear Regulatory Commission has

authorized NASA to use radioactive material at temporary job sites throughout the United States for research and development purposes, and launching of space vehicles. This report is needed to furnish NASA with the necessary records on the possession, location and use of radioactive material

**Title:** Department of Defense (DoD)

**Property Record (NASA Use)**

**Type of Request:** Extension

**Frequency of Report:** On occasion

**Type of Respondent:** NASA Contractors

**Annual Responses:** 3,000

**Annual Reporting Hours:** 1,476

**Federal Cost:** \$73,800.00

**Number of Forms:** One

**Abstract-Needs/Uses:** For NASA

contractors to use Government-owned equipment they must report the status of that equipment. The Form, DD 1342, is already used by DoD contractors for this purpose; NASA uses DD 1342's rather than creating a separate form. NASA contractors, however, prepare only Section I of the form

**Walter B. Olstad,**

*Associate Administrator for Management.*

June 8, 1982.

[FR Doc. 82-15897 Filed 6-11-82; 6:45 am]

**BILLING CODE 7510-01-M**

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### Humanities Panel: Meeting

**AGENCY:** National Endowment for the Humanities

**ACTION:** Notice of Meeting

**SUMMARY:** Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

**DATE:** June 30—July 1, 1982.

**TIME:** 9:00 a.m. to 5:30 p.m. each day

**Room:** 1023

**PROGRAM:** This meeting will review applications submitted for Program Development/Special Projects, Division of Special Programs, for projects beginning after October 1, 1982.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider

information that is likely to disclose: (1) trade secrets and commercial of financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

**Stephen J. McCleary,**

*Advisory Committee Management Officer.*

[FR Doc. 82-15931 Filed 6-11-82; 8:45 am]

**BILLING CODE 7536-01-M**

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

##### Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operating of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to enlarge the capacity of the spent fuel pool from 276 fuel assemblies to 534 assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal



Register on January 15, 1981 (45 FR 3685). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because the proposed action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated December 1, 1980, as modified by letters dated April 10, May 11, June 15, June 18, August 28, 1981 and April 2, 1982, (2) Amendment No. 69 to License No. DPR-23, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 8th day of June, 1982.

For the Nuclear Regulatory Commission,  
David Wigginton,  
*Acting Branch Chief, Operating Reactors  
Branch No. 1, Division of Licensing.*

[FR Doc. 82-16008 Filed 6-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

#### **Florida Power & Light Co.; Issuance of Amendment To Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised the license of the Turkey Point Plant, Unit No. 4 (the facility) located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment extends the operating interval to ten equivalent full power months from December 10, 1981 at which time the steam generators shall be inspected.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 21, 1982, (2) Amendment No. 80 to License No. DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of June 1982.

For the Nuclear Regulatory Commission,  
Joseph D. Neighbors,  
*Acting Chief, Operating Reactors Branch No.  
1, Division of Licensing.*

[FR Doc. 82-16009 Filed 6-11-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

#### **Northeast Nuclear Energy Co., et al.; Issuance of Amendments to Facility Operating Licenses and Negative Declaration**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Provisional Operating License No. DPR-21 and Amendment No. 77 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Environmental Technical Specifications for operation of the Millstone Nuclear Power Station, Units No. 1 and 2 (the facilities) located in the Town of Waterford, Connecticut. The

amendments are effective as of the date of issuance.

The amendments revise the Appendix B Environmental Technical Specifications to add monitoring and sampling requirements for the distillate discharge from the condensate polishing radioactive waste evaporator and revise the limits on liquid radioactive effluents from "activity released" to "dose produced."

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facilities dated June 1973.

For further details with respect to this action, see (1) the application for amendments dated May 14, 1982, (2) Amendment Nos. 84 and 77 to License Nos. DPR-21 and DPR-65, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of May 1982.

For the Nuclear Regulatory Commission,  
Eben L. Conner,  
*Acting Chief, Operating Reactors Branch No.  
3, Division of Licensing.*

[FR Doc. 82-16010 Filed 6-11-82; 8:45 am]

BILLING CODE 7590-01-M



**[Docket Nos. 50-266 and 50-301]****Wisconsin Electric Power Co.;  
Issuance of Amendments to Facility  
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-24, and Amendment No. 65 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments upgrade the operability requirements for containment fan coolers for Point Beach Units 1 and 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 30, 1982, (2) Amendment Nos. 60 and 65 to License Nos. DPR-24 and DPR-27, (3) the Commission's letter dated May 28, 1982, and (4) letter of February 10, 1982 from R. A. Clark to Sol Burstein. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of May, 1982.

For the Nuclear Regulatory Commission.  
**Eben L. Conner,**  
*Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.*  
[FR Doc. 82-16011 Filed 6-11-82; 8:45 am]  
BILLING CODE 7590-01-M

**[Docket No. 50-289 (Restart)]****Metropolitan Edison Co. et al. (Three  
Mile Island Nuclear Station, Unit 1)  
Reconstitution of Atomic Safety and  
Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Appeal Board for that portion of this restart proceeding concerned with plant design and procedures, separation of TMI-1 and TMI-2 and emergency planning, the subjects of the Licensing Board's December 14, 1981 partial initial decision. For purposes of hearing the appeal of intervenors Marjorie M. Aamodt and Norman O. Aamodt from that partial initial decision, the Appeal Board will consist of the following members: Gary J. Edles, Chairman, Dr. John H. Buck, Dr. Lawrence R. Quarles.

For purposes of hearing the remaining appeals from the partial initial decision, the Appeal Board will consist of the following members: Gary J. Edles, Chairman, Dr. John H. Buck, Dr. Reginald L. Gotchy.

Dated: June 8, 1982.  
**C. Jean Shoemaker,**  
*Secretary to the Appeal Board.*  
[FR Doc. 82-16012 Filed 6-11-82; 8:45 am]  
BILLING CODE 7590-01-M

**[Docket No. 50-289-SP]****Metropolitan Edison Co. (Three Mile  
Island Nuclear Station, Unit No. 1); Oral  
Argument**

Notice is given that, in accordance with the Appeal Board's June 8, 1982 order, the oral argument on the appeals from the Licensing Board's December 14, 1981 partial initial decision, earlier scheduled for Thursday, June 24, 1982 (see 47 FR 23835), will be divided and heard on that date in two phases. The first, involving the appeal of the Aamodts alone, will be heard at 9:30 a.m. The appeal on all other issues will begin at 1:30 p.m. Both phases will be heard in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: June 9, 1982.

For the Appeal Board,  
**C. Jean Shoemaker,**  
*Secretary to the Appeal Board.*  
[FR Doc. 82-16013 Filed 6-11-82; 8:45 am]  
BILLING CODE 7590-01-M

**PACIFIC NORTHWEST ELECTRIC  
POWER AND CONSERVATION  
PLANNING COUNCIL****Forecasting Subcommittee; Meeting**

**AGENCY:** Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of meeting.

**STATUS:** Open.

**SUMMARY:** The Northwest Power Planning Council hereby announces a forthcoming meeting of the Forecasting Subcommittee of its Scientific and Statistical Advisory Committee.

**DATE:** Monday, June 14, 1982. 9:00 a.m.

**ADDRESS:** The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Terry Morland, (503) 222-5161.

**DISCUSSION:** ICF Module IV Report, Policy Discussion of Critical Water. Edward Sheets, Executive Director.

[FR Doc. 82-16169 Filed 6-11-82; 11:15 am]  
BILLING CODE 0000-

**SECURITIES AND EXCHANGE  
COMMISSION**

[Release No. 18792; File No. SR-NSCC-82-8]

**National Securities Clearing Corp.;  
Filing and Immediate Effectiveness of  
Proposed Rule Change**

June 7, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 7, 1982, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would require NSCC members using the Singature Distribution Service to obtain insurance comparable to the amount and type required of New York Stock



Exchange ("NYSE") members under NYSE Rule 319, which essentially requires members to maintain blanket fidelity bonding to cover losses resulting from the acts of officers and employees. The proposed rule change, however, rescinds NSCC's requirement that NSCC members using this service obtain insurance that provides coverage for the benefit of NSCC, NYSE and their affiliates. NSCC now believes that such insurance is unavailable. In the event that NSCC were required to pay a claimant for losses suffered as a consequence of member's use of the signature distribution service, NSCC, under the rule change, would seek indemnification directly from that member, rather than that member's insurance company. That member, in turn, could resort to its insurance company under its blanket fidelity bond.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before July 2, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-82-8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-16006 Filed 6-11-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22528; 70-6741]

### The Southern Co.; Proposal To Issue and Sell Common Stock

June 7, 1982.

The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720081, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Southern proposes to issue and sell up to 12,000,000 additional shares of its authorized but unissued common stock, par value \$5 per share, in one or several transactions from time to time through the period ending March 31, 1983. Southern will publicly invite from time to time sealed, written proposals from prospective bidders for these stock purchases. Initially, a published invitation will request that parties interested in bidding advise Southern. Such public invitation will be made at such time as may be permissible under the Securities Act of 1933 and at least 6 days prior to Southern's entering into any contract or agreement for the issuance and sale of any of these shares. Thereafter, in accordance with the competitive bidding requirements of Rule 50 and with the terms of the public invitation, Southern will notify prospective bidders, by telephone with a followup written telegraphic confirmation, of the date and time for each presentation and opening of proposals. For each issuance and sale, all prospective bidders will receive this telephone notification not less than 48 hours prior to the time designated for the presentation of proposals. Southern will also designate in each such notice the number of shares to be issued and sold, subject to Southern's right to designate a different number upon at least 24 hours' notice prior to the time of bidding.

Southern proposes to use treasury funds along with the net proceeds from the sales of this stock and from the sales of common stock through the operation of its Dividend Reinvestment and Stock Purchase Plan, Employee Savings Plan and Employee Stock Ownership Plan to make, from time to time, additional equity investments in the form of capital

contributions to Southern's operating subsidiaries and for other corporate purposes. The subsidiaries propose to use these funds to provide a portion of their cash requirements to carry on their electric utility businesses.

Southern has indicated that it may request at some future time that these stock sales be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of management, make such exception in the best interests of Southern and its investors and consumers.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 2, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declaration at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-16007 Filed 6-11-82; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Flight Standards Field Unit at Wilmington, Delaware; Relocation and Merger

Notice is hereby given that on or about July 1, 1982, the Wilmington, Delaware, Flight Standards Field Unit will be relocated and merged with the Philadelphia, Pennsylvania Flight Standards District Office. It will provide all services to air carrier and general aviation in the area. Communication to the Flight Standards District Office should be addressed as follows: Philadelphia Flight Standards District Office, Department of Transportation, Federal Aviation Administration, Building 1, Cargo Area, Room 15,



Philadelphia International Airport,  
Philadelphia, Pennsylvania 19153.

(Sec. 313(a) of the Federal Aviation Act of  
1958, 72 Stat. 752, 49 U.S.C. 1354)

Issued in New York, New York on June 4,  
1982.

**Joseph M. Del Balzo,**  
*Director, Eastern Region.*

[FR Doc. 82-15914 Filed 6-11-82; 8:45 am]

**BILLING CODE 4910-13-M**

### National Airspace Review; Meeting

**AGENCY:** Federal Aviation  
Administration, DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-4 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of weather information dissemination, including its accuracy, timeliness, and appropriateness.

**DATE:** Beginning July 6, 1982, at 11:00 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

**ADDRESS:** The meeting will be held at the Federal Aviation Administration, conference room 9 A B, 800 Independence Avenue, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT-30, Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by July 2, 1982. Time permitting and subject to the approval of the chairman, these individual may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on June 8, 1982.

**Willard H. Reazin,**  
*Program Manager, NARAC.*

[FR Doc. 82-15912 Filed 6-11-82; 8:45 am]

**BILLING CODE 4910-13-M**

### National Airspace Review; meeting

**AGENCY:** Federal Aviation  
Administration, DOT.

**ACTION:** Notice of Meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-6 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of requirements and specifications for VFR charts, including color, contrast, topographic features, control information, and navigational use.

**DATE:** Beginning July 6, 1982, at 11:00 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

**ADDRESS:** The meeting will be held at the Federal Aviation Administration, conference room 8 A B, 800 Independence Avenue, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT-30, Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by July 2, 1982. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on June 8, 1982.

**Willard H. Reazin,**  
*Program Manager, NARAC.*

[FR Doc. 82-15913 Filed 6-11-82; 8:45 am]

**BILLING CODE 4910-13-M**

### Radio Technical Commission for Aeronautics (RTCA), Special Committee 149—Airborne Distance Measuring Equipment (DME); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of RTCA Special Committee 149 on Airborne Distance Measuring Equipment (DME) to be held on July 7-9, 1982 in RTCA First Floor Conference Room, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Introductory Remarks; (2) Review of Committee Terms of Reference; (3) Briefing on International Civil Aviation Organization (ICAO) Working Group M Activities; (4) Review First Draft of Committee Report on Minimum Operational Performance Standards for Airborne Distance Measuring Equipment; (5) Develop Committee Work Program; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 294-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 4, 1982.

**Karl F. Bierach,**  
*Designated Officer.*

[FR Doc. 82-15915 Filed 6-11-82; 8:45 am]

**BILLING CODE 4910-13-M**

### Traffic Alert and Collision Avoidance System II (TCAS II); Proposed U.S. National Aviation Standard

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Extension of comment period.

**SUMMARY:** On April 22, 1982, the Federal Aviation Administration published, for public review and comment, a proposed Traffic Alert and Collision Avoidance System II U.S. National Aviation Standard (47 FR 17390). This notice announces that the comment period is extended to July 1, 1982.

**DATE:** Comments must be received on or before July 1, 1982.

**ADDRESS:** Director, Systems Research and Development Service, Attention: ARD-10, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue, SW, Washington, D.C. 20591.

### FOR FURTHER INFORMATION CONTACT:

T. A. Morgan, Separation Systems Branch, ARD-242, Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue, SW, Washington, D.C. 20591, telephone (202) 426-9382.

**SUPPLEMENTARY INFORMATION:** On April 22, 1982, the Federal Aviation



Administration proposed a U.S. National Aviation Standard for the Traffic Alert and Collision Avoidance System II (47 FR 17390). The standard would define the system and its performance characteristics needed to satisfy operational requirements and to assure compatibility with all elements of the National Airspace System (NAS). While not regulatory, the standard may provide the basis for later rule making.

Comments received in response to the previous notice indicate that a longer time for public comment is warranted. The public comment period is thus extended to July 1, 1982.

Issued in Washington, D.C., on June 8, 1982.

Robert W. Wedan,

Director, Systems Research and Development Service, Engineering and Development, Federal Aviation Administration, Department of Transportation.

[FR Doc. 82-15902 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-13-M

## Research and Special Programs Administration

### Office of Hazardous Materials Regulation; Applications for Exemptions

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.

**ACTION:** List of applicants for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described

herein. Each made of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—cargo-only aircraft, 5—Passenger-carrying aircraft.

**DATES:** July 14, 1982.

**ADDRESS COMMENTS TO:** Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

### NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8838-N	FMC Corporation, Philadelphia, PA	49 CFR 173.217(a)(4), 178.224	To authorize shipment of tri-chloro-s-triazinetriene, classed as an oxidizer in drums of not over 51 gallons capacity similar to DOT Specification 21C fiber drum except for plastic top head. (modes 1, 2, 3).
8839-N	Poly Cal Plastics, Inc., French Camp, CA	49 CFR 173.266, Part 173, Subpart F	To manufacture, mark and sell non-DOT specification approximately 600 gallon crosslinked polyethylene tanks for shipment of hydrogen peroxide, classed as an oxidizer and corrosive materials presently authorized in DOT Specification 34 containers and DOT Specification 57 portable tanks. (modes 1, 2, 3).
8841-N	Valmont Oilfield Products Co., Springer, OK	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquid or semi-solids. (mode 1).
8842-N	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44.	To authorize shipment of nitrogen or helium, classed as nonflammable gases in non-DOT specification 15 gallon capacity girth welded stainless steel cylinder similar to DOT Specification 3HT. (modes 1, 2, 4, 5).
8843-N	Pengo Industries, Inc., Fort Worth, TX	49 CFR 172.101, 173.246, 175.3	To manufacture, mark and sell non-DOT specification cylinders for shipment of bromine trifluoride, classed as an oxidizer, to be shipped without the poison label. (modes 1, 2, 4).
8844-N	Beall, Inc., Billings, MT	49 CFR 173.119(a)(17), 173.245(a)(30), 173.245(a)(31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transport of flammable or corrosive waste liquids or semi-solids. (mode 1).
8845-N	Pengo Industries, Inc., Fort Worth, TX	49 CFR 173.110(c)(1), 173.80(b), 173.80(c)	To authorize transportation of charged oil well jet perforating guns equipped with detonator and arrest device, classed as explosive A and C (mode 1).
8850-N	Hoover Universal, Inc., Beatrice, NB	49 CFR Part 173, Subpart D, E, F, H, Subpart K.	To manufacture, mark and sell non-DOT specification 16 gauge 304 stainless steel square container, having a rated capacity of 70 gallons for shipment of various liquid hazardous material for which DOT Specification 5, 5B, 5C or 17E containers are prescribed. (modes 1, 2, 3).
8851-N	Process Engineering Inc., Plaistow, NH	49 CFR 173.315(a)(1)	To manufacture, mark and sell non-DOT specification portable tanks for shipment of liquefied argon and liquefied carbon dioxide classed as nonflammable gases. (mode 3).
8852-N	Procter & Gamble Company, Cincinnati, OH	49 CFR 173.119(b)(4)	To authorize shipment of a certain flammable liquid, n.o.s. contained in four 2 liter polyethylene terephthalate bottles overpacked in a DOT Specification 12B fiberboard box. (modes 1, 2).
8853-N	Union Carbide Corporation, Danbury, CT	49 CFR 173.31(d)(9)	To authorize the substitution of visual inspection for hydrostatic testing for Class DOT Specification 106A and 110AW tank car tanks for certain flammable gases free of corroding components. (modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C. on June 3, 1982.

J. R. Grothe,

Chief Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-15826 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-60-M



# Office of Hazardous Materials Regulation; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.

**ACTION:** List of applications for renewal or modification of exemptions or application to become a party to an exemption.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

**DATE:** July 14, 1982.

**ADDRESS COMMENTS TO:** Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate

## FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No. and applicant	Renewal of exemption
3004-X Union Carbide Corp., Danbury, CT.....	3004
3004-X Airco Industrial Gases, Murray Hill, NJ.....	3004
3004-X Air Products & Chemicals, Inc., Allentown, PA.....	3004

Application No. and applicant	Renewal of exemption
3302-X Air Products & Chemicals, Inc., Allentown, PA.....	3302
4600-X Halocarbon Products Corp., Hackensack, NJ.....	4600
5038-X Synthatron Corp., Parsippany, NJ.....	5038
5196-X El Paso Products Co., Odessa, TX.....	5196
5414-X E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.....	5414
5736-X El Paso Products Co., Odessa, TX.....	5736
6016-X Welding & Cutting Supply Co., Cleveland, OH.....	6016
6045-X Union Carbide Corp., Danbury, CT.....	6045
6113-X Boston Gas Co., Boston, MA.....	6113
6197-X Boston Gas Co., Boston, MA.....	6197
6305-X Monsanto Co., St. Louis, MO.....	6305
6309-X General Latex & Chemical Corp. of GA, Dalton, GA.....	6309
6418-X Dow Chemical Co., Midland, MI.....	6418
6418-X Great Lakes Chemical Corp., El Dorado, AR.....	6418
6497-X FMC Corp., Middleport, NY.....	6497
6530-X Mess Oxygen Equipment Co., Inc., Westborough, MA.....	6530
6602-X Dow Chemical Co., Midland, MI.....	6602
6602-X Great Lakes Chemical, El Dorado, AR.....	6602
6758-X Roper Plastics, Inc., Norwalk, CA.....	6758
6806-X Kaiser Aluminum Chemical Corp., Pleasanton, CA.....	6806
6844-X Mobay Chemical Corp., Union, NJ.....	6844
7026-X Hydraulic Research, Pacoima, CA.....	7026
7052-X Sonatech, Inc., Goleta, CA.....	7052
7052-X EG & G Environmental Equipment, Herndon, VA.....	7052
7052-X Battery Safety Society, Inc., Fairfax, VA.....	7052
7052-X Allen-Bradley Co., Twinsburg, OH.....	7052
7097-X Plant Products Corp., Vero Beach, FL.....	7097
7409-X Sea-Land Service, Inc., Elizabeth, NJ.....	7409
7454-X E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.....	7454
7494-X Airco Industrial Gases, Murray Hill, NJ.....	7494
7544-X Eastman Kodak Co., Rochester, NY.....	7544
7594-X Bromine Compounds, Ltd., Beersheva, Israel.....	7594
7601-X Atlantic Research Corp., Gainesville, VA.....	7601
7753-X Monsanto Co., St. Louis, MO.....	7753
7754-X Hercules, Inc., Wilmington, DE.....	7754
7768-X Plasti-Drum Corp., Lockport, IL.....	7768
7770-X Logemafer S.A., Paris, France.....	7770
7777-X Stabilex Ltd., Boynton Beach, FL.....	7777
7876-X Ashland Oil, Inc., Columbus, OH.....	7876
7885-X The Mercoid Corp., Chicago, IL.....	7885
7888-X Rheem Manufacturing Co., Linden, NJ.....	7888
7891-X Fisher Scientific Co., Fair Lawn, NJ.....	7891
7971-X Hydraulic Research Textron, Pacoima, CA.....	7971
7987-X Stauffer Chemical Co., Westport, CT.....	7987
8006-X Nichols-Kusan, Inc., Jacksonville, TX.....	8006
8006-X Bland Bros., Inc., New York, NY.....	8006
8006-X Kilgore Corp., Toone, IN.....	8006
8009-X Pressure Transport, Inc., Austin, TX.....	8009
8012-X Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France.....	8012
8035-X NL McGullough, NL Industries, Inc., Houston, TX.....	8035
8055-X Associated Lead, Inc., Philadelphia, PA.....	8055
8074-X Matheson Gas Products, Secaucus, NJ.....	8074
8230-X ASARCO Inc., New York, NY.....	8236
8344-X Western-Hoegge Co., Glendale, CA.....	8344
8387-X FMC Corp., Philadelphia, PA.....	8387
8388-X B. W. Norton Manufacturing Co., Inc., Oakland, CA.....	8388
8390-X Texas Instruments Inc., Dallas, TX.....	8390
8390-X Allied Corp., Morristown, NJ.....	8390
8397-X Mauser Packaging Ltd., New York, NY.....	8397
8423-X U.S. Environmental Protection Agency, Washington, DC.....	8423
8426-X Martin Tank Manufacturing, Cerritos, CA.....	8426
8437-X Park Chemical Co., Detroit, MI.....	8437
8439-X Hydraulic Research Textron, Pacoima, CA.....	8439
8442-X Evans Tank Co., Lubbock, TX.....	8442
8488-X Hedwin Corp., Baltimore, MD.....	8488
8498-X Hunter Drums Ltd., Burlington, Ontario.....	8498
8499-X Hedwin Corp., Baltimore, MD.....	8499
8570-X Snyder Industries, Inc., Lincoln, NB.....	8570

Application No. and applicant	Renewal of exemption
8846-X GAF Corp., Wayne, NJ.....	8846

<sup>1</sup>To renew and to authorize an increase in the individual solid propellant, Class C explosive, grain length from 4 1/2 inches to 5 1/2 inches.  
<sup>2</sup>To authorize an alternate fabric woven polypropylene bag for shipment of arsenical flue dust classed as a poison B solid.  
<sup>3</sup>To authorize rail as an additional mode of transportation.  
<sup>4</sup>To renew and to add calcium cyanamide, classed as ORM-C as additional commodity.  
<sup>5</sup>To renew and to authorize a 4 gallon capacity polyethylene container.  
<sup>6</sup>To authorize methanol, classed as a flammable liquid as an additional commodity.  
<sup>7</sup>To authorize water as an additional mode of transportation.

Application No. and applicant	Parties to exemption
3941-P Aerojet Strategic Propulsion Co., Sacramento, CA.....	3941
6309-P Freeman Chemical Corp., Port Washington, WI.....	6309
6762-P Aquaphase Laboratories, Inc., Adrian, MI.....	6762
7052-P Sanders Associates, Inc., Nashua, NH.....	7052
7607-P Ecology and Environment, Inc., Arlington, VA.....	7607
7793-P Velsicol Chemical Corp., Chicago, IL.....	7793
7835-P Burdett Gas Products Co., Norristown, PA.....	7835
8441-P Battery Safety Society, Inc., Fairfax, VA.....	8441
8441-P Sanders Associates, Inc., Nashua, NH.....	8441
8839-P Poly Processing Co., Inc., Monroe, LA.....	8839
8843-P Chem Cut Co., Fort Worth, TX.....	8843

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on June 3, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-15832 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-60-M

## Office of the Secretary

### Request for Applicants by Office of Small and Disadvantaged Business Utilization

**AGENCY:** Office of Small and Disadvantaged Business Utilization (OSDBU), Office of the Secretary, DOT.

**ACTION:** Notice and request for applicants interested in establishing a reinsurance underwriting pool to participate in a surety bonding program for minority and women-owned business enterprises (MBEs) bidding on or performing rail-related contracts..

**SUMMARY:** The Railroad Revitalization and Regulatory Reform Act of 1976, created the Minority Business Resource Center (The Center) to insure that minority entrepreneurs, including



women-owned and operated businesses, receive a fair share of the business opportunities derived from maintenance, rehabilitation, restructuring, improvement and revitalization of the Nation's railroads. The Center is further authorized to establish a surety bonding program to aid MBEs bidding on or performing contracts to provide goods and services to the railroad industry. The Center has been placed under the authority of the OSDBU.

OSDBU has examined a number of approaches with respect to establishing a surety bonding program to assist MBEs bidding on or performing rail-related contracts. This examination has included a report by Professors J. David Cummins and James E. Walter of the Wharton School, University of Pennsylvania, entitled, "Surety Bonding and Short-Term Lending Services for Minority Contractors Involved in Rail Improvement Projects".

As a result of this examination, OSDBU is considering providing funds toward the establishment of a reinsurance pool formed and operated by a group of private surety companies to provide surety and bonding assistance to MBEs bidding on or performing rail-related contracts. The purpose of this notice is to solicit proposals for establishing a surety-bonding pool for MBE contractors serving the rail transportation industry. The bonding program is intended to broaden the range of minority rail contractors who can successfully qualify for surety bonds.

The bonding pool should be designed to serve minority bonding requirements on an efficient basis and to cover as broad a geographic area as possible. Preference will be given to a pool arrangement which relies primarily on private resources, with DOT financial involvement limited to that which is necessary to make a private sector venture feasible for a broader range of MBE risks.

All participating surety companies must have sufficient, competent in-house personnel to handle bond claims, a two-tier system for under-writing approval, and a management system for review of claims and losses. All participating sureties must be listed on the Department of Treasury's list of Surety Companies Acceptable on Federal Bonds (Circular 570, 1981 revision) and must have sufficient bonding capability to cover the surety requirements of MBEs beyond graduation from this program.

Total available Federal funding may be up to \$5 million depending on the nature of the proposed surety bonding assistance program. The submissions should include:

1. A preliminary proposal.
2. Financial statements of applicant companies.
3. The names of the primary executives of the applicant companies and statements of their background.
4. The manner in which the Federal funds would be utilized and controlled.

**DATE:** The deadline for submitting a letter expressing interest in the program and requesting additional information is July 7, 1982.

**ADDRESS:** Interested surety organizations may submit letters to the Director, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation, 400 7th Street, SW., Room 10222, Washington, D.C. 20590, not later than the submission date shown above. Such submission shall indicate the docket number shown on this notice.

Dated: June 7, 1982.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation.

[FR Doc. 82-15800 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-62-M

#### Request for Applicants by Office of Small and Disadvantaged Business Utilization

**AGENCY:** Office of Small and Disadvantaged Business Utilization (OSDBU), Office of the Secretary, Department of Transportation.

**ACTION:** Notice and Request for Applications from Minority Banks to participate in a financial assistance program for Minority Business Enterprises.

**SUMMARY:** The Railroad Revitalization and Regulatory Reform Act of 1976, created the Minority Business Resource Center (The Center) to insure that minority entrepreneurs, including women-owned and operated businesses, receive a fair share of the business opportunities derived from maintenance, rehabilitation, restructuring, improvement and revitalization of the Nation's railroads. The Center is further authorized to establish financial assistance programs to aid those minority businesses bidding for contracts to provide goods and services

to the railroad industry. The Center has been placed under the authority of the OSDBU.

The OSDBU is interested in entering into agreements with one or more minority banks which can provide short-term financial assistance to minority and women-owned concerns bidding for or performing contracts or subcontracts within the railroad industry. The OSDBU would agree to set up the funding mechanism totaling \$3,000,000. The funds will enable the minority bank(s) to make financial assistance available to MBEs participating in the railroad revitalization program. The funds will be used by the minority bank(s) to cover all expenses, including a profit margin, incurred in servicing MBEs.

The OSDBU is particularly interested in offering this assistance to MBEs in the following cities:

1. Philadelphia, PA.
2. New York, NY.
3. Boston, MA.
4. New Haven, CT.
5. Baltimore, MD.
6. Washington, D.C.
7. Norfolk, VA.
8. Chicago, IL.
9. Atlanta, GA.
10. Kansas City, MO.
11. St. Louis, MO.
12. Dallas, TX.
13. Los Angeles, CA.
14. Denver, CO.
15. San Francisco, CA.
16. Pittsburgh, PA.

Other areas will be considered.

**DATE:** The deadline for submitting a letter expressing interest in the program and requesting additional information is July 7, 1982.

**ADDRESS:** Interested minority banks may submit letters to the Director, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation, 400 7th Street, SW., Room 10222, Washington, D.C. 20590, not later than the submission date shown above. Such submission shall indicate the docket number shown on this notice.

Dated: June 7, 1982.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation.

[FR Doc. 82-15799 Filed 6-11-82; 8:45 am]

BILLING CODE 4910-62-M



# Sunshine Act Meetings

Federal Register

Vol. 47, No. 114

Monday, June 14, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

#### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10 a.m., Wednesday, June 16, 1982.

**LOCATION:** Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

##### 1. CB Antennas

The Commission will consider the issuance of a final consumer product safety standard for omnidirectional citizens band base station antennas.

##### Closed to the Public:

##### 2. Enforcement Matter OS# 2049 (Closed)

The Commission will consider issues related to enforcement matter OS# 2049.

##### Enforcement Matter OS#2059 (Closed)

The staff will brief the Commission on issues related to enforcement matter OS# 2059.

##### Compliance Complaint Strategy

The staff will brief the Commission on issues related to the compliance complaint strategy.

#### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-880-82 6-10-82; 11:15 am]

BILLING CODE 6355-01-M

### 2

#### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10 a.m., Thursday, June 17, 1982.

**LOCATION:** Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

1. The staff will brief the Commission on issues related to the Operating Plan for Fiscal Year 1983.

#### CONTACT PERSON FOR ADDITIONAL

**INFORMATION:** Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-881-82 Filed 6-10-82; 11:16 am]

BILLING CODE 6355-01-M

### 3

#### FEDERAL ENERGY REGULATORY COMMISSION

**TIME AND DATE:** 10 a.m., June 16, 1982.

**PLACE:** Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

#### Consent Power Agenda—751st Meeting, June 16, 1982 Regular Meeting (10 a.m.)

CAP-1. Project No. 5865-000, David

Cereghino

CAP-2. Project No. 4263-001, Consolidated Hydroelectric, Inc.

CAP-3. Project No. 6105-001, Lawrence J. McMurtrey

CAP-4. Project No. 6151-002, Rainsong Co. (Cabin Creek Project)

CAP-5. Project No. 4262-001, Consolidated Hydroelectric, Inc.

CAP-6. Project No. 4262-000, Consolidated Hydroelectric, Inc.; Project No. 4840-000, Modesto Irrigation District

CAP-7. Project No. 4260-001, Consolidated Hydroelectric, Inc.; Project No. 4260-002, Consolidated Hydroelectric, Inc.; Project No. 4844-000, Modesto Irrigation District

CAP-8. Project No. 4907-000, J-3 Lumber Co.; Project No. 4997-000, Modesto Irrigation District

CAP-9. Project No. 6092-000, Western Hydro Electric, Inc., and Butter Creek Hydro Electric Project

CAP-10. Project No. 4417-000, Consolidated Hydroelectric, Inc.; Project No. 4957-000, City of Rohnert Park; Project No. 5009-001, Modesto Irrigation District

CAP-11. Project No. 5531-000, Hydro Resource Co.; Project No. 5901-000, Mason County Pad #1; Project No. 6150-001, Rainsong Co.; Project No. 6367-000, Western Hydro Electric, Inc.

CAP-12. Project No. 4419-000, Consolidated Hydroelectric, Inc.; Project No. 4992-000, City of Rohnert Park; Project No. 5013-001, Modesto Irrigation District

CAP-13. Project No. 4329-000, Consolidated Hydroelectric, Inc.; Project No. 4953-001, Modesto Irrigation District; Project No. 4973-000, City of Rohnert Park; Project No. 5374-000, Tehama County Flood Control and Water Conservation District

CAP-14. Project No. 3724-000, Mitchell Energy Co., Inc.; Project No. 4649-000, City of Ammon, Idaho

CAP-15. Project No. 4237-000, The City of Riverton, Wyoming; Project No. 3505-000, Pacific Northwest Generating Co.; Project No. 3710-000, Mitchell Energy Co., Inc.; Project No. 3860-000, City of Lander, Wyoming and Wyoming Hydro Inc.; Project No. 4530-000, The City of Gillette, Wyoming; Project No. 4622-000, Town of Jackson, Wyoming

CAP-16. Project No. 3528-000, American Hydroelectric Development Corp.; Project No. 3947-000, Kaweah Delta Water Conservation District and Tulare Irrigation District

CAP-17. Project No. 5585-000, Southern Pacific Land Co.

CAP-18. Omitted

CAP-19. Project No. 6087-001, Western Hydro Electric, Inc.

CAP-20. Project No. 5956-000, Potter Instrument Co., Inc.

CAP-21. Project No. 1962-002, Pacific Gas & Electric Co.

CAP-22. Project Nos. 4161-000, 4162-000, 4163-000 and 4164-000, Sierra Pacific Power Co.

CAP-23. Project No. 5601-001, Oroville-Wyandotte Irrigation District

CAP-24. Project No. E-6454-004, City of Centralia

CAP-25. Omitted

CAP-26. Project No. 3105-000, Power Authority of the State of New York

CAP-27. Project No. 3494-000, Noah Corp.; Project No. 3666-000, borough of Central City, PA; Project No. 3961-000, Energenics System, Inc.; Project No. 4460-000, Tri-Cities of Arnold, Lower Burrell and New Kensington, PA, and A. Richard Marcus & Associates; Project No. 4473-000, township of Harrison, PA; Project No. 4474-000, Borough of Cheswick, PA and Allegheny Valley North Council of Governments

CAP-28. Project No. 2338-000, Consolidated Edison Co. of New York, Inc. (Cornwall Project)



- CAP-29. Docket No. ER82-146-004, Commonwealth Edison Co.  
 CAP-30. Docket No. ER82-481-000, Arizona Public Service Co.  
 CAP-31. Docket No. ER82-468-000, Kansas City Power & Light Co.  
 CAP-32. Docket No. ER82-454-000, Black Hills Power & Light Co.  
 CAP-33. Docket No. ER82-465-000, Empire District Electric Co.  
 CAP-34. Docket No. ER82-104-000, Public Service Co. of Colorado  
 CAP-35. Docket No. ER81-764-000, Minnesota Power & Light Co.  
 CAP-36. Docket Nos. ER77-533-009 and ER77-533-000 (Phase I), Louisiana Power & Light Co.  
 CAP-37. Docket Nos. ER76-205-000 and ER76-205-004, Southern California Edison Co.  
 CAP-38. Docket No. ER77-347-000, Wisconsin Power & Light Co.  
 CAP-39. Docket Nos. ER77-175-000 and ER78-19-000 (Phase II), et al., Florida Power & Light Co.  
 CAP-40. Docket Nos. ER81-730-000 and ER81-731-000, Georgia Power Co.  
 CAP-41. Docket No. ER80-344-000, Carolina Power & Light Co.  
 CAP-42. Docket No. E-7578, Commonwealth Edison Co. Docket No. IN-989, City of Geneva, Illinois v. Commonwealth Edison Co.; Docket No. IN-991, City of Batavia, Illinois v. Commonwealth Edison Co.  
 CAP-43. Docket No. ER78-522, Virginia Electric & Power Co.  
 CAP-44. Docket No. ER81-557-000, Lake Superior District Power Co.  
 CAP-45. Project No. 4349-002, Long Lake Energy Corp.

#### Consent Miscellaneous Agenda

- CAM-1. Docket No. ER78-507, Public Service Co. of Colorado  
 CAM-2. Docket Nos. RM78-22-000, RM78-22-010, RM78-22-011 and RM78-22-012, revision of rules of practice and procedure to expedite trial-type hearings  
 CAM-3. Docket No. RM79-76-108 (New Mexico-11), high-cost gas produced from tight formations  
 CAM-4. Docket No. RM79-76-096 (Alabama-2), high-cost gas produced from tight formations  
 CAM-5. Docket No. RM79-76-100 (Texas-3 addition II), high-cost gas produced from tight formations  
 CAM-6. Docket No. GP81-36-000, Railroad Commission of Texas, Section 108 NGPA Determination, Phillips Petroleum Co., EMBAR-B #13 Well JD No. 81-02474  
 CAM-7. Docket No. GP80-48-000, State of West Virginia, Section 108 NGPA Determination, James F. Scott Oil & Gas, S-281 Terry Haggerty Well W. V. File No. 800721-108-033-2192, FERC No. JD81-26295, API No. 047-033-2192  
 CAM-8. Docket No. GP80-115, Sun Gas Co., a Division of Sun Oil Co., (Delaware), Section 108 NGPA Well Determination Filing, FERC Control No. 80-34194, J. F. Hall—State Well No. 18C, State of Texas  
 CAM-9. Docket No. GP80-75-000, Oklahoma Natural Gas Co.  
 CAM-10. Docket No. GP80-6-001, Arkansas Louisiana Gas Co.; Docket No. GP80-7-000,

- Caprock Pipeline Co.; Docket No. GP80-28-000, Cimarron Transmission Co.; Docket No. GP80-31-000, Cities Service Gas Co.; Docket No. GP80-8-000, Colorado Interstate Gas Co.; Docket No. GP80-11-000, Columbia Gas Transmission Corp.; Docket No. GP80-12-000, Consolidated Gas Supply Corp.; Docket No. GP80-45-000, Eastern Shore Natural Gas Co.; Docket No. GP80-40-000, El Paso Natural Gas Co.; Docket No. GP80-9-000, Equitable Gas Co.; Docket No. GP80-29-000, Florida Gas Transmission Co.; Docket No. GP80-39-000, Kentucky-West Virginia Gas Co.; Docket No. GP80-4-000, Louisiana-Nevada Transit Co.; Docket No. GP80-14-000, McCullough Interstate Gas Co.; Docket No. GP80-16-000, Mid-Louisiana Gas Co.; Docket No. GP80-17-000, Mississippi River Transmission Corp.; Docket No. GP80-32-000, Montana-Dakota Utilities Co.; Docket No. GP80-30-000, Mountain Fuel Supply Corp.; Docket No. GP80-5-000, Natural Gas Pipeline Co. of America; Docket No. GP80-44-000, Natural Fuel Gas Supply Corp.; Docket No. GP80-43-000, Northern Natural Gas Co.; Docket No. GP80-36-000, Northwest Pipeline Corp.; Docket No. GP80-37-000, Oklahoma Natural Gas Gathering Corp.; Docket No. GP80-18-000, Pacific Gas Transmission Co.; Docket No. GP80-19-000, Panhandle Eastern Pipeline Co.; Docket No. GP80-33-000, South Texas Natural Gas Co.; Docket No. GP80-35-000, Southern Natural Gas Co.; Docket No. GP80-20-000, Tennessee Gas Pipeline Co.; Docket No. GP80-21-000, Texas Eastern Transmission Corp.; Docket No. GP80-22-000, Texas Gas Pipe Line Corp.; Docket No. GP80-23-000, Texas Gas Transmission Corp.; Docket No. GP80-25-000, Transwestern Pipeline Co.; Docket No. GP80-26-000, Trunkline Gas Co.; Docket No. GP80-34-000, West Texas Gathering Co.; Docket No. GP80-27-000, Western Gas Interstate Co.; Docket No. GP80-10-000, Western Transmission Corp.; Docket No. GP80-38-000, Zenith Natural Gas Co.; Docket No. GP80-13-000, Kansas-Nebraska Natural Gas Co.

- CAM-11. Omitted  
 CAG-1. Docket No. RP82-94-000, El Paso Natural Gas Co.  
 CAG-2. Docket No. TA82-2-33-000, El Paso Natural Gas Co.  
 CAG-3. Docket No. RP82-62-001, Natural Gas Pipeline Co. of America  
 CAG-4. Docket No. TA82-2-46-001, (PGA82-2 and IPR82-2), Kentucky West Virginia Gas Co.  
 CAG-5. Docket No. RP82-56-000, Northwest Pipeline Corp.  
 CAG-6. Docket No. RP82-58-000, Panhandle Eastern Pipe Line Co.  
 CAG-7. Docket No. RP82-54-000, Colorado Interstate Gas Co.  
 CAG-8. Docket No. RP82-103-000, State of Michigan and Michigan Public Service Commission v. Trunkline Gas Co.  
 CAG-9. Docket No. RP74-41-016, Texas Eastern Transmission Corp.  
 CAG-10. Docket Nos. RP81-54-003, RP81-56-002, RP82-12-001, RP82-10-001, RP80-97-008 and RP77-62-016, Tennessee Gas Pipeline Co.  
 CAG-11. Docket No. RP81-47-003, Northwest Pipeline Corp.

- CAG-12. Docket Nos. RI74-188-003, 004, 007, 008, 009 and RI75-21-002, 003, 004, and 005, Independent Oil & Gas Association of West Virginia  
 CAG-13. Docket No. RI79-25-002, Maran Oil Co.  
 CAG-14. Docket No. RI82-4-001, Arco Oil & Gas Co., Division of Atlantic Richfield Co.  
 CAG-15. Docket No. CI82-206-001, Chevron U.S.A. Inc.; Docket No. CI81-314-002, Marathon Oil Co.; Docket No. CI82-215-002, Aminoil U.S.A. Inc.; Docket No. CI80-28-000, Mobil Oil Exploration & Producing Southeast Inc.; Docket No. CI82-205-000, McMoran-Freeport Oil Co., Docket No. CI82-210-000, Cenergy Exploration Co.  
 CAG-16. Docket No. CP81-398-000, Northern Natural Gas Co., Division of Internorth, Inc.  
 CAG-17. Docket No. CP80-300-003, Transcontinental Gas Pipe Line Corp.  
 CAG-18. Docket No. CP82-60-001, Michigan Wisconsin Pipe Line Co.  
 CAG-19. Docket No. CP82-172-001, Natural Gas Pipeline Co. of America and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.  
 CAG-20. Docket No. CP82-43-000, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.  
 CAG-21. Docket No. CP74-280-000, El Paso Natural Gas Co.  
 CAG-22. Docket No. CP82-86-000, Southern Natural Gas Co.  
 CAG-23. Docket No. CP81-205-002 and CP81-205-003, Delhi Gas Pipeline Corp.  
 CAG-24. Docket No. CP82-199-000, CP82-199-001, CP82-199-002 and CP82-199-003, National Fuel Gas Supply Corp.  
 CAG-25. Docket No. CP79-340-000, Transcontinental Gas Pipe Line Corp.  
 CAG-26. Docket No. CP82-200-000, Equitable Gas Co.  
 CAG-27. Docket No. CP82-282-000, Mountain Fuel Supply Co.  
 CAG-28. Docket No. CP82-135-000, Consolidated Gas Supply Corp.  
 CAG-29. Docket No. CP82-216-000, Arkansas Louisiana Gas Co.  
 CAG-30. Docket No. CP82-241-000, Mountain Fuel Supply Co.  
 CAG-31. Docket No. ST82-147-000, Louisiana State Gas Corp.  
 CAG-32. Docket No. TA82-1-30-003 (PGA82-1, IPR82-1, TT82-1 and AP82-1), Truckline Gas Co.  
 CAG-33. Docket No. TA82-1-52-000, Western Gas Interstate Co.

#### I. Licensed Project Matters

- P-1. Omitted  
 P-2. Omitted

#### II. Electric Rate Matters

- ER-1 Docket No. ER81-749-001 and ER82-325-000, Montaup Electric Co.  
 ER-2 Docket No. ER82-257-001, Kansas Gas & Electric Co.  
 ER-3 Docket Nos. ER79-126-001, ER79-126-002, ER79-126-003 and ER79-126-004, Arizona Public Service Co.  
 ER-4 Omitted  
 ER-5 Docket No. EF81-2011-001 and EF81-2021-001, United States Secretary of Energy—Bonneville Power Administration  
 ER-6 Docket No. ID-1967-001, Margery Somers Foster



ER-7 Docket No. ID-1956-000, William T. Coleman, Jr.

#### Miscellaneous Agenda

- M-1. Reserved
- M-2. Reserved
- M-3. Omitted

M-4. Docket No. RM80-38, high-cost natural gas produced from wells drilled in deep water

M-5. Docket No. RM82-32-000, valued base incentive price ceilings under 107(c)(5) of the NGPA

#### Gas Agenda

##### I. Pipeline Rate Matters

RP-1. Docket No. RP79-64 and RP79-16, Florida Gas Transmission Co.

##### II. Producer Matters

CI-1. Reserved

##### III. Pipeline Certification Matters

CP-1. Docket No. CP81-237-000, Texas Eastern Transmission Corp.

CP-2. (a) Docket Nos. CP81-328-001, and CP81-488-001, Colorado Interstate Gas Co., (b) Docket No. CP81-260-000, Colorado Interstate Gas Co.

CP-3. Docket No. CP82-204-000, Columbia Gas Transmission Corp.

CP-4. Docket No. CP82-22-002, Pacific Interstate Transmission Co.

CP-5. Docket No. CP81-455-000, Kokomo Gas & Fuel Co.

CP-6. Docket No. CP82-98-000, Natural Gas Pipeline Co. of America

Kenneth F. Plumb,  
Secretary.

[S-879-82 Filed 6-10-82; 10:39 am]

BILLING CODE 6717-01-M

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#### FEDERAL RESERVE SYSTEM

##### Board of Governors

**TIME AND DATE:** Approximately 11 a.m., following a recess at the conclusion of the open meeting on Wednesday, June 16, 1982.

**PLACE:** 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

**STATUS:** Closed.

##### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

##### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 9, 1982.

James McAfee,

Associate Secretary of the Board.

[S-875-82 Filed 6-9-82; 4:17 pm]

BILLING CODE 6210-01-M

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#### FEDERAL RESERVE SYSTEM

##### Board of Governors

**TIME AND DATE:** 10 a.m., Wednesday, June 16, 1982.

**PLACE:** Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Petition to repeal or amend that portion of Regulation Y (Bank Holding Companies and Change in Bank Control) relating to the issuance of travelers checks.

##### Discussion Agenda:

2. Proposed Board Affirmative Action Plan for Minorities and Women for 1982-1985.

3. Any items carried forward for a previously announced meeting.

**Note.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

##### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 9, 1982.

James McAfee,

Associate Secretary of the Board.

[S-876-82 Filed 6-9-82; 4:17 pm]

BILLING CODE 6210-01-M

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#### INTERNATIONAL TRADE COMMISSION

##### [USITC SE-82-23]

**TIME AND DATE:** 2:30 p.m., Tuesday, June 22, 1982.

**PLACE:** Room 117, 701 E Street, NW., Washington, D.C. 20436.

**STATUS:** Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
  - a. Electrostatic copiers (Docket No. 836).
  5. Investigation 731-TA-48 [Final] (Amplifier Assemblies from Japan)—vote.

6. Investigation 337-TA-105 (Certain Coin-Operated Audiovisual Games and Components Thereof)—briefing and vote.
7. Any items left over from previous agenda.

Portions closed to the public:

5. Investigation 731-TA-48 [Final] (Amplifier Assemblies from Japan)—briefing.

##### CONTACT PERSON FOR MORE

**INFORMATION:** Kenneth R. Mason, Secretary (202) 523-0161.

[S-877-82 Filed 6-9-82; 4:59 pm]

BILLING CODE 7020-02-M

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#### LEGAL SERVICES CORPORATION

##### Presidential Search Committee

##### "FEDERAL REGISTER" CITATION OF

**PREVIOUS ANNOUNCEMENT:** 47 FR 24906, June 8, 1982.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 9 a.m.-12 noon, Tuesday, June 15, 1982.

**CHANGE IN THE MEETING:** Cancelled. To be rescheduled.

##### CONTACT PERSON FOR MORE

**INFORMATION:** LeaAnne Bernstein, Office of the President, (202) 272-4040.

Dated: June 10, 1982.

Gerald M. Caplan,

Acting President.

[S-882-82 Filed 6-10-82; 11:25 am]

BILLING CODE 6820-35-M

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#### NUCLEAR REGULATORY COMMISSION

**DATE:** Week of June 14, 1982.

**PLACE:** Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

**STATUS:** Open and closed.

**MATTERS TO BE DISCUSSED:** *Wednesday, June 16:*

10:00 a.m.:

Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6)

2:00 p.m.

Meeting with Cincinnati Gas & Electric/ Government Accountability Project on QA/QC and Related Matters at Zimmer (Public Meeting)

*Thursday, June 17:*

3:00 p.m.:

Affirmation/Discussion Session (Public Meeting)

Affirmation and/or Discussion and Vote:

a. Proposed Rulemaking Requiring Fitness for Duty for Personnel with Unescorted Access to Protected Areas

b. Amendment to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements"



**AUTOMATIC TELEPHONE ANSWERING**

**SERVICE FOR SCHEDULE UPDATE: (202)**

634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Walter Magee (202) 634-1410.

Walter Magee,

*Office of the Secretary.*

[S-878-82 Filed 6-10-82; 8:45 am]

**BILLING CODE 7590-01-M**

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**SECURITIES AND EXCHANGE COMMISSION**

**"FEDERAL REGISTER" CITATION OF**

**PREVIOUS ANNOUNCEMENT: 47 FR 24496.**

June 4, 1982.

**STATUS:** Closed meeting.

**PLACE:** Room 825, 500 North Capitol Street, Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Tuesday, June 1, 1982.

**CHANGES IN THE MEETING:** Additional items. The following items will be considered at a closed meeting scheduled for Thursday, June 10, 1982, following the 10:00 a.m. open meeting:

Litigation matter.

Freedom of Information Act appeal.

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth determined by vote that Commission business required consideration of this matter and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added. Deleted or postponed, please contact: Richard Starr at (202) 272-2467.

June 10, 1982.

[S-883-82 Filed 6-10-82; 2:27 pm]

**BILLING CODE 8010-01-M**



# Estimate Report

Monday  
June 14, 1982

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## Part II

## Environmental Protection Agency

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Ore Mining and Dressing Point Source  
Category; Effluent Limitations Guidelines  
and New Source Performance Standards



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 440

[WH FRL 1979-8]

### Ore Mining and Dressing Point Source Category; Effluent Limitations Guidelines and New Source Performance Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed regulation.

**SUMMARY:** EPA proposes a regulation to limit effluent discharges to waters of the United States and introduction of pollutants from facilities engaged in mining and processing of metal ores. The purpose of this proposed rulemaking is to provide effluent limitations guidelines for "best available technology," (BAT) and to establish new source performance standards (NSPS) under the Clean Water Act.

**DATE:** Comments on this proposal must be submitted on or before August 13, 1982.

**ADDRESS:** Send comments to: Mr. William Telliard, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: EGD Docket Clerk, Proposed Rulemaking—Ore Mining and Dressing Industry. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), at the EPA address given above. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Technical information may be obtained from Mr. B. Matthew Jarrett, at the address listed above, or by calling (202) 426-4618. Copies of technical documents may be obtained from the Distribution Officer at the above address or by calling (202) 426-2724. The economic information may be obtained from Mr. John Ataman, Office of Analysis and Evaluation (WH-586), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 755-2484.

#### SUPPLEMENTARY INFORMATION:

##### Organization of This Notice

##### I. Legal Authority

##### II. Background

- A. The Clean Water Act
- B. Prior EPA Regulations
- C. Industry Overview

##### III. Scope of this Rulemaking and Summary of Methodology

##### IV. Data Gathering Program

- A. Sampling and Analytical Methods
- B. Data Gathering Efforts

##### V. Industry Subcategorization

##### VI. Available Wastewater Control and Treatment Technology

- A. Status of In-Place Technology
- B. Control Technologies Considered for Use in the Ore Mining and Dressing Industry

- 1. Toxic Metals and TSS Removal
- 2. Cyanide Removal
- C. Cost Development

##### VII. Substantive Changes From Prior Regulations

##### A. Storm Provision

##### VIII. Pollutant Parameter Selection

- A. Pollutants Not Regulated
- B. Regulated Pollutants

- 1. BAT and NSPS
- 2. BCT
- 3. Indicator Pollutant
- C. Indicator Pollutants

##### IX. Best Available Technology (BAT) Effluent Limitations

##### A. BAT Options for Toxic Metal Pollutant Reduction

- 1. Secondary Settling
- 2. Coagulation/Flocculation
- 3. Granular-Media Filtration
- 4. No Discharge/Complete Recycle
- 5. BAT Equals BPT

##### B. BAT Options for Cyanide Reduction

- 6. In-Process Control
- 7. Use of Reagents Other Than Cyanide
- 8. End-of-Pipe Control by Wastewater Treatment Technologies Specific to Cyanide

##### C. BAT Selection and Decision Criteria

##### X. Best Conventional Control Technology (BCT) Effluent Limitations

##### XI. New Source Performance Standards (NSPS)

- A. NSPS Options
- B. NSPS Selection and Decision Criteria

##### XII. Best Management Practices

##### XIII. Variances and Modifications

##### XIV. Upset and Bypass Provisions

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##### XVI. Costs and Economic Impact

##### XVII. Relationship to NPDES Permits

##### XVIII. Summary of Public Participation

##### XIX. Solicitation of Comments

##### XX. Small Business Administration Financial Assistance

##### XXI. Executive Order 12291

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##### A. Abbreviations, Acronyms, and Units

##### B. Toxic Organic Compounds Not Detected During Sampling

##### C. Toxic Organic Compounds Detected at Least One Facility But Always 10 µg/l or Less

##### D. Toxics Detected at Levels Too Small To Be Effectively Reduced by Technologies Known to the Administrator

##### E. Toxic Organic Compounds Detected From a Small Number of Sources and Uniquely Related to These Sources

##### F. Pollutants Effectively Controlled by the Technology Upon Which Other Effluent Limitations and Guidelines Are Based

##### G. Subcategories and Subparts Where Equal or More Stringent Protection Is Already

Provided by Existing Effluent Limitations (BAT=BPT)

##### H. Pollutants Excluded by Subcategory and Subpart

##### I. Subpart Where Pollutants Are Detected From a Small Number of Sources Within the Subpart and the Pollutants Are Uniquely Related to These Sources

##### J. Proposed BAT=BPT Where the Small Amounts Remaining in the BPT Effluent Do Not Justify National Regulation

#### I. Legal Authority

The regulations described in this notice are proposed under authority of sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217) (the "Act"). These regulations are also proposed in response to the Settlement Agreement in *Natural Resources Defense Council, Inc., v. Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

#### II. Background

##### A. The Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a). By July 1, 1977, existing industrial discharges were required to achieve "effluent limitations requiring the application of the best practicable control technology currently available" (BPT), Section 301(b)(1)(A). By July 1, 1983, these dischargers were required to achieve "effluent limitations requiring the application of the best available technology economically achievable" \* \* \* which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" (BAT), Section 301(b)(2)(A). New industrial direct dischargers were required to comply with section 306 new source performance standards (NSPS), based on best available demonstrated technology. The requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under section 402 of the Act.

Although section 402(a)(1) of the 1972 Act authorized the setting of requirements for direct dischargers on a case-by-case basis, Congress intended that for the most part, control requirements would be based on regulations promulgated by the Administrator of EPA. Section 304(b) of the Act required the Administrator to promulgate regulations providing guidelines for effluent limitations setting



forth the degree of effluent reduction attainable through the application of BPT and BAT. Moreover, sections 304(c) and 306 of the Act required promulgation of regulations for NSPS. In addition to these regulations for designated industry categories, section 307(a) of the Act required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants. Finally, section 501(a) of the Act authorized the Administrator to prescribe any additional regulations "necessary to carry out his functions" under the Act.

EPA was unable to promulgate many of these regulations by the dates contained in the Act. In 1976, EPA was sued by several environmental groups, and in settlement of this lawsuit EPA and the plaintiffs executed a Settlement Agreement which was approved by the Court. This Agreement required EPA to develop a program and adhere to a schedule for promulgating BAT effluent limitations guidelines, and new source performance standards covering 65 classes of toxic pollutants (subsequently defined by the Agency as 129 specific "priority pollutants") for 21 major industries. See *Natural Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

On December 27, 1977, the President signed into law the Clean Water Act of 1977 ("the Act"). Although this law makes several important changes in the Federal Water Pollution Control Program, its most significant feature is its incorporation of several basic elements of the Settlement Agreement program for toxic pollution control. Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now require the achievement, by July 1, 1984, of the effluent limitations requiring application of BAT for toxic pollutants, including the 65 priority pollutants and classes of pollutants that Congress declared toxic under section 307(a) of the Act. Likewise, EPA's programs for new source performance standards are now aimed principally at toxic pollutant controls. Moreover, to strengthen the toxics control program, section 304(e) of the Act authorizes the Administrator to prescribe "best management practices" (BMPs) to control the release of toxic and hazardous pollutants from plant site runoff; spillage or leaks; sludge or waste disposal; and drainage from raw material storage associated with, or ancillary to, the manufacturing or treatment process.

In keeping with its emphasis on toxic pollutants, the Act also revises the control program for nontoxic pollutants.

Instead of BAT for "conventional" pollutants identified under section 304(a)(4) (including biochemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, oil and grease, and pH), the new Section 301(b)(2)(E) requires achievement, by July 1, 1984, of "effluent limitations requiring the application of the best conventional pollutant control technology" ("BCT"). The factors considered in assessing BCT for an industry include an analysis of cost-effectiveness and the costs and benefits of reducing pollutants at a point source compared with the costs and benefits of reducing pollutants at POTWs (section 304(b)(4)(B)). For nontoxic, nonconventional pollutants, sections 301(b)(2)(A) and (b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or by July 1, 1984, whichever is later, but not later than July 1, 1987.

The purpose of the proposed regulations is to provide effluent limitations guidelines for BAT and to establish NSPS on the basis of the authority granted in sections 301, 304, 306, 307, and 501 of the Clean Water Act. Pretreatment Standards (PSES and PSNS) are not proposed for the ore mining and dressing category since no known indirect dischargers exist nor are any known to be in the planning stage. In general, ore mines and mills are located in rural areas, far from a POTW. EPA expects that the cost of pumping mine drainage and mill process water to a POTW would be prohibitive, and onsite treatment is more cost effective in virtually every instance.

#### B. Prior EPA Regulations

On November 6, 1975, EPA published interim final regulations establishing BPT requirements for existing sources in the ore mining and dressing industry (see 40 FR 51722). These regulations became effective upon publication. However, concurrent with their publication, EPA solicited public comments with a view to possible revisions. On the same date, EPA also published proposed BAT, NSPS, and pretreatment standards for this industry (see 40 FR 51738). Comments were also solicited on these proposals.

On May 24, 1976, as a result of the public comments received, EPA suspended certain portions of the interim final BPT regulations and solicited additional comments (see 41 FR 21191). EPA promulgated revised, final BPT regulations for the ore mining and dressing industry on July 11, 1978, (see 43 FR 29711, 40 CFR Part 440). On February 8, 1979, EPA published a clarification of the regulations as they

apply to storm runoff (see 44 FR 7953). On March 1, 1979, the Agency amended the final regulations by deleting the requirements for cyanide applicable to froth flotation mills in the base and precious metals subcategory (see 44 FR 11546).

On December 10, 1979, the United States Court of Appeals for the Tenth Circuit upheld the BPT regulations, rejecting challenges brought by five industrial petitioners. *Kennecott Copper Corp. v. EPA* 612 F.2d 1232 (10th Cir. 1979). These regulations are in effect and EPA is not proposing any changes to them.

The Agency withdrew the proposed BAT, NSPS, and pretreatment standards on March 19, 1981 (see 46 FR 17567).

#### C. Industry Overview

The ore mining and dressing industry is both large and diverse. It includes the ores of 23 separate metals and is segregated by the U.S. Bureau of the Census Standard Industrial Classification (SIC) into nine major codes; SIC 1011, Iron Ore; SIC 1021, Copper Ores; SIC 1031, Lead and Zinc Ores; SIC 1041, Gold Ores; SIC 1044, Silver Ores; SIC 1051, Aluminum Ore; SIC 1061, Ferroalloy Ores including Tungsten, Nickel, and Molybdenum; SIC 1092 Mercury Ores; SIC 1094 Uranium, Radium, and Vanadium Ores; and SIC 1099 Metal Ores, Not Elsewhere Classified including Titanium and Antimony.

Over 500 active mining and over 150 milling operations are located in the United States and many are in remote areas.

The industry includes facilities that mine ores to produce metallic products and all ore dressing and beneficiating operations at mills operated either in conjunction with a mine operation or at a separate location.

Mining is defined as the extraction of metal ores from natural deposits. It also means recovery of metal ores from refuse and storage piles derived from actual mining or concentration of metal ores.

The mining of metals ores is usually divided into four principal methods: underground or deep-mining, open-cut, in situ or solution mining, and placer or dredge mining.

Underground mining methods include open stopes, timbered stopes, filled stopes, caving method, and combinations of these methods. In open stope mining, an underground chamber is created in which the walls are supported by pillars of ore left in place. The finished stope is an open cavity. In timbered stope mining the chamber is



supported by wood and steel timber. The wood and steel are used where the walls require support during mining and can also serve as a working platform for workers and equipment. A filled stope is an underground chamber where waste rock, tailings, or other fill material is an integral part of the support of the walls and sometimes the back of the ore body. Also fill material usually serves as a working platform for workers and equipment to work the next adjacent portion of the ore body. Caving methods use the weight of the ore, the overlying rock, or a combination of the two to break the ore down. The ore is first undercut and then worked by sublevel caving, block-caving, or top-slicing, with many modifications to these methods.

Three different open-cut or surface mining methods are used to mine metal ores: open pit, area stripping, and contour mining. In open-pit mining, the amount of overburden that must be removed to mine the ore is small in relation to the amount of ore mined. By this method, a large quantity of ore can be removed from a comparatively small surface area because of the thickness of the ore body. The mining follows the ore body. In area strip mining, larger areas are excavated to mine the ore body, which is generally in a seam or zone, and the amount of overburden can be large in comparison with the ore removed. Area strip mining is generally limited to fairly flat topography. In contour mining, excavation follows the contour of the land until the ore recovery is prohibited by the amount of overburden. Contour mining is used in hilly or mountainous terrain and has limited application in ore mining.

In situ or solution mining methods are generally restricted to the recovery of copper and uranium from surface or underground deposits. In in situ mining, a leaching solution (often acid or water) is brought into contact with the ore zone, either in place or after it has been broken in the mine, and the barren solution is allowed to seep through the ore to a lower level where the pregnant leach solution is collected for transfer to a metal recovery or precipitation facility. In situ mining also includes the secondary recovery of metal values by leaching mined ore, waste rock, low grade ore, or tailings.

Placer mining is the mining of alluvial deposits (generally loose gravel, sand, soil, or mud that has been deposited by water or ice) of minerals derived from erosion or weathering of bedrock. Placer mining consists of excavating waterborne or glacial deposits, e.g., gold-bearing gravel and sands, which can then be separated by physical or

gravity means. Methods that are used today include various dredging techniques (clam shell, continuous bucket, or dragline) and the use of bulldozers and front-end loaders. Where water availability and physical characteristics permit, dredging or hydraulic methods are often favored because they are economical. At some locations, hydraulic excavation (water cannons) is used both for overburden removal and for sluicing ores.

Water is little and seldom used in the mining process. Of the principal mining methods used, only in situ or solution mining and placer mining actually use water as part of the mining method. In underground and open-cut mining a small amount of water is used (e.g., for machine cooling, dust suppression, drilling fluids, etc.). Approximately nine deep mines use water in hydraulic backfilling of stopes. This water is brought back to the surface combined with mine water.

An even larger quantity of water may enter the mine by percolation, interception of an aquifer, and runoff. This water, though usually unwanted, must also be managed by the mine operator and discharged as mine process wastewater of mine drainage. The management of mine drainage is an integral part of most mining systems. Mine water flows are extremely variable, ranging from nonexistent to flows occasionally as high as 227,000 m<sup>3</sup> (60 million gallons) per day or more. Mine drainage flow rates are related to geologic conditions, climate, and topography and are generally beyond the control of the mine operator.

Five main ore dressing processes use water: gravity concentration, magnetic separation, electrostatic separation, froth flotation, and leaching. Most of the processes follow comminution (size reduction).

In froth flotation, chemicals are added to make particles of a mineral or group of minerals adhere preferentially to air bubbles (froth). When air is forced through a slurry (water plus finely ground ore) of mixed minerals, the rising bubbles carry the particles of the mineral(s) to be separated from the matrix. If a foaming agent is added, which prevents the bubbles from bursting when they reach the surface, a mineral-layer of foam is built up at the surface of the flotation cell that may be removed to recover the mineral. Details of the process and reagents employed vary from ore to ore and with time at a given mill, but because the process is adaptable to fine particle sizes, it often allows a high rate of recovery even from low-grade ores.

Gravity concentration processes use differences in specific gravity to separate the valuable ore minerals from gangue (unwanted minerals). They depend upon viscosity forces to suspend and transport gangue away from the heavier, valuable mineral. Several techniques are employed including jigs, tables, spirals, and sink/float separation. Each technique employs water as the medium through which the separation takes place and provides a means of removing the unwanted minerals.

The magnetic separation process, based on differences in magnetic permeability, involves the transport of ore through a region of high magnetic field gradient. The most magnetically permeable minerals are attracted to a moving surface behind which is the pole of a large electromagnet, and are carried by it out of the ore stream. Although dry separators are used for rough separations, the process is often run wet on slurries produced by grinding mills.

Electrostatic separation is used to separate minerals on the basis of their conductivity. This process is inherently dry and uses very high voltages. The ore is typically charged to 20,000 to 40,000 volts, and the charged particles are dropped onto a conductive rotating drum. The conductive particles discharge very rapidly and are thrown off and collected, while the nonconductive particles keep their charge and adhere by electrostatic attraction.

The leaching process dissolves away either gangue or metal values in aqueous acids or bases, liquid metals, or other specific solutions. Amalgamation and cyanidation are two variations of leaching. The cyanidation process is used to extract gold and silver by using potassium or sodium cyanide in diluted weak alkaline solutions. Amalgamation uses mercury to form an amalgam, a combination of mercury and another metal. Amalgamation, once used extensively to extract gold and silver from pulverized ore, has largely been replaced by cyanidation because of environmental concerns about the use and control of mercury.

Leach solutions of acids or bases are used to extract copper, uranium, vanadium and tungsten. The solutions dissolve certain metals present as well as constituents of the gangue. Heat, agitation, and pressure are often used to speed the action of the leach. Ores can be exposed to leach in a variety of ways, including in situ (in the ore body), vats, and heap or dump. The pregnant leach solution containing metal values is



further processed to remove the metals from solutions.

#### *General Wastewater Characteristics*

**Mine Water.** The wastewater situation in the mining segment differs from that encountered in most other industries. Usually, most industries (such as the milling segment) use water in the specific processes they employ. This water frequently becomes contaminated during the process and must be treated before it is discharged. In the ore mining segment, process water is not normally used in the actual mining of ores except in the in situ leaching process or placer mining operations and in dust control, or for drilling fluids. Water is a natural feature that interferes with mining activities. It enters surface mines by direct precipitation, runoff and infiltration and underground mines by infiltration. The quantity of water from an ore mine is thus unrelated (or only indirectly related) to production quantities. Generally, raw mine water has high concentrations of dissolved metals because ground water or surface water has come into contact with minerals in the ore, host rock, and overburden. Generally, infiltration water is relatively low in suspended solids (as compared with mill process water) although water used for dust control may contain elevated solids levels. At a few facilities, trace quantities of process reagents may be present because of the backfilling of stopes with coarse fractions of mill tailings.

**Mill Water.** Process water is primarily used in wet screening or classification, gravity separation processes, heavy-media separation, flotation processes, leaching solutions, and for transporting ore between various process steps. Process water is often obtained from wells, domestic sources, and mine water. It is often recycled and reused in areas where water is scarce or where water balance in an integrated system allows it. Recycling often requires a great deal of planning and careful engineering, but results in reduction of the costs associated with purchase of water, exploration, and drilling of new wells and reduction of pollutants discharged to the environment.

Mill process wastewater is characterized by very high suspended solids levels (often in the percent range rather than milligrams per liter), high metals levels, and process reagents such as cyanide.

The diversity of the ore mining and milling industry makes it difficult to generalize about process metallurgy, water use patterns, or wastewater treatment practices for the industry. As

a result, the mining and processing of each ore is described separately.

#### *Iron*

The United States has approximately 50 iron ore mines which produce about 270 million metric tons of ore annually. Forty-four iron ore milling operations annually produce 69 million metric tons of pellets and 16.2 million metric tons of fines, coarse, and sinter. The vast majority of production (over ¾) is in the Great Lakes states, especially the Mesabi and Marquette Ranges. Beneficiation processes generally employed include direct shipping, gravity separation, magnetic separation, and flotation.

On the basis of production figures, about 54 percent of iron milling operations achieve no discharge, 31 percent discharge to surface waters, and 15 percent have unknown discharges. The trend in recent years for newer facilities has been no discharge, primarily for pelleting operations in the Mesabi Range in Minnesota. This trend reflects a concern for treatment costs, discharge of pollutants into the environment, and increased use of recycle to ensure adequate water availability.

The primary wastewater treatment technology used in iron ore mining and milling operations is removal of suspended solids by settling.

In reviewing BAT for the iron ore subcategory, EPA found the following pollutants for control: iron and TSS. (See Section VIII of this notice for a discussion of pollutant parameter selection.)

#### *Copper, Lead, Zinc, Gold, Silver, Molybdenum*

In reviewing BAT for the copper, lead, zinc, gold, silver, and molybdenum ores subcategory, EPA found the following pollutants for control: copper, lead, zinc, mercury, cadmium, nickel, arsenic, cyanide, and TSS. (See section VIII of this notice for a discussion of pollutant parameter selection.)

#### *Copper*

The United States has 59 copper mines, which produce 258 million metric tons of ore annually. Of these, 22 are small operations employing 10 people or less. The majority of these mines (31) are in Arizona and produce 67 percent of the total amount of copper mined in the United States annually. The U.S. Bureau of Mines estimates that 90 percent of all copper ore produced in the United States comes from open-pit mines. Twenty-six copper mills in the United States produce over 7.1 million metric tons of copper concentrate

primarily using the froth flotation method. Byproducts of these mills include molybdenum and silver concentrate.

Many copper mills use mine water for mill process water. Some mine water is also directly discharged to surface waters. In arid areas, many mills practice total recycle and achieve zero discharge. In addition, mines and mills which leach the ore to recover copper collect leaching water, strip it of the metal values, and recycle/reuse or evaporate it, resulting in zero discharge.

Mine drainage and wastewater from froth flotation mills are often treated in combined treatment systems which use lime precipitation or pH adjustment and settling.

#### *Lead and Zinc*

Since lead and zinc are most often found in the same ore, they are generally mined and milled together. The United States has 49 individual mines which annually produce over 16 million metric tons of ore. Lead and zinc ores are produced almost exclusively from underground mines. Many of these mines and mills also produce silver and copper concentrates from the lead/zinc ore. Thirty-three milling operations produce over 0.9 million metric tons of lead concentrates, over 408,000 metric tons of zinc concentrates, and 25,000 metric tons of copper concentrates annually.

Missouri produces 83 percent of the lead, with the remaining portion coming primarily from Idaho, Colorado, and Utah. New York produces 19 percent of the zinc, followed by Missouri (18 percent), Tennessee (17 percent), and Colorado (10 percent).

Most mine and mill wastewaters are treated in combined treatment systems, which use lime precipitation for pH adjustment and settling predominately.

#### *Gold*

Four leading producers accounted for 73 percent of total annual gold production in the United States in 1975. Ninety-five percent of all production came from 25 mines or mine/mill operations, 10 of which operate primarily for the recovery of gold. Thirty-six percent of the total gold produced in the United States is a byproduct of copper, lead, or zinc production; the rest is the result of primary recovery from gold lode and placer operations. Placer deposits are alluvial or glacial deposits containing a valuable mineral, primarily gold. These operations are concentrated in Alaska.

Domestic gold production has steadily declined in recent years. This decline is



due to increased costs, mining of lower grade ores, diminished copper production, and depletion of easily mined ore. Increased exploration and development is stimulated by price increases, which may reverse this trend as the price of gold fluctuates.

Most of the nine active gold milling operations in the United States use the cyanidation process to recover gold, but some flotation, concentration, and amalgamation processes are also used. For the most part, spent leach solutions used to beneficiate ore are recycled, resulting in zero discharge of mill wastewater.

Many placer mines do not treat wastewater, although several large dredge operations recycle process water from the dredge pond and settle solids in the pond itself before discharging the excess wastewater. Several facilities use settling ponds for water treatment and to conserve process water for use during periods of water scarcity.

#### Silver

Eight major mines produce over 1,090 metric tons (35 million troy ounces) of silver in the United States each year. Seventy percent of this silver is a byproduct of lead/zinc and copper mining.

All five major milling operations recover silver metal concentrates. In most cases, froth flotation is the beneficiation method used.

Wastewater treatment at major mine/mill operations consist of a tailings pond to settle bulk flotation circuit tailings before final discharge. In some cases, however, process wastewater is recycled for reuse within the mill.

#### Molybdenum

The United States has three active molybdenum mines, with three more under exploration. Two existing mines discharge to surface waters and the third has zero discharge because there is little or no infiltration of ground waters. The mines produce over 10 million metric tons of ore, while the mills produce over 50,000 metric tons of concentrate.

All three mines are associated with froth flotation mills. To treat wastewaters, the mills typically use lime precipitation for pH adjustment, followed by primary and secondary settling. One wastewater treatment system uses granular media filters. Two facilities have wastewater treatment technology for the reduction of cyanide: one by alkaline chlorination and the second by hydrogen peroxide (described in Section VI of this notice). The third facility recycles process water and has no discharge.

#### Aluminum

Two open-pit mining operations in Arkansas produce bauxite ore for metallurgical production of aluminum. For the past 10 years, the annual production rate of bauxite ore has been approximately 1.8 million metric tons. Each bauxite ore mine discharges about 15 million gallons of water a day. No process water is used to crush or grind ore, and no beneficiation processes are used that would require water. Both operations use lime precipitation for pH adjustment and settling to treat wastewaters.

In reviewing BAT for the aluminum ore subcategory, EPA found the following pollutants for control: iron, aluminum, and TSS. (See section VIII of this notice for a discussion of pollutant parameter selection.)

#### Tungsten

The United States has five large mines, each producing over 5,000 metric tons of tungsten ore per year, and over 30 small mines, each producing less than 5,000 metric tons of tungsten ore per year. Most small tungsten mining and milling operations are intermittent. Annual production in the United States is about 740,203 metric tons. All mines are underground and are located in California, Oregon, Idaho, Utah, and Nevada. These facilities typically do not discharge mine water. Of the 14 tungsten mills, 7 produce more than 5,000 metric tons of ore per year each. They generally use gravity separation and/or froth flotation to beneficiate the ore.

The tungsten industry is expected to increase production in the coming years. At least two new large operations are in the planning, exploration, or development stages in Nevada.

Mill wastewater treatment methods vary but include impoundment of wastewater in a tailings pond (settling) and recycle and/or evaporation. Most of the active mills recycle mill process water, since they are located in arid regions.

In reviewing BAT for the tungsten ore subcategory, EPA found the following pollutants for control: arsenic, cadmium, copper, zinc and TSS. (See Section VIII of this notice for a discussion of pollutant parameter selection.)

#### Nickel

The relatively small amount of nickel produced domestically is obtained from one open-pit mine in Oregon. The mine has a smelter, but no milling or beneficiation is practiced.

Wet beneficiation processes are not practiced at this nickel mine/smelter. Most of the plant water is used in the

smelting operation for ore belt washing, cooling and slag granulation. The process water is treated in two settling ponds and then recycled for use in the smelter. An average yearly runoff of 120,000 gallons of water per day comes from the mine itself. Most of this runoff occurs during the winter rainy season when daily flows can be as high as 580,000 gallons per day. The mine water runoff is treated at the settling ponds and used at the smelter. Excess water is discharged after treatment.

In reviewing BAT, EPA established a separate subcategory for nickel ore subcategory reserving effluent limitations until the Agency gathers additional data on the wastewater discharge of the single existing facility.

#### Vanadium

Vanadium, radium, and uranium are usually found in the same ore. Vanadium itself is almost exclusively obtained as a byproduct of uranium mining/milling. However, the United States has one open-pit vanadium mine/mill that extracts vanadium from nonradioactive ore using a leaching process. After the ore is extracted, the mill uses complex hydrometallurgical processes such as roasting, leaching, solvent extraction, and precipitation. (These processes are explained in the development document). At present, this mill is inactive because of the decreased demand for vanadium.

Nearly 70 percent of the effluent stream and all of the pollutants it contains come from leaching and solvent extraction, wet scrubbers or roasters, and ore dryers.

In reviewing BAT, EPA established a separate subcategory for vanadium ores (mined along and not as a byproduct) reserving effluent limitations until the Agency gathers additional data on the wastewater discharges of the single existing facility.

#### Uranium

Of the approximately 213 underground and open-pit uranium mines in the United States, about 44 percent now have fewer than five employees. As a result, the actual number of active mines at any given time will vary, depending on market conditions and company status. The large number of small mines means that each of 18 active uranium mills may service as many as 40 different mines.

While uranium mines produce approximately 9.1 million metric tons of ore annually (0.15 percent  $U_3O_8$ ), the mills produce only 28,000 metric tons of processed  $U_3O_8$ . Uranium mills use acid leach, alkaline leach, and combined



acid/alkaline leach processes to beneficiate the ore.

**Uranium Milling Processes.** Uranium ores tend to vary in consistency and grade and may come from mines owned by different companies. Because uniform grade and consistency must be achieved, ore blending is required before further processing. Ore high in vanadium is often roasted with sodium chloride to facilitate its removal by other processes. Roasting to carbonize and oxidize organics may be necessary to prevent interference with hydrometallurgical processes. Ore is ground to the proper size for either acid, alkaline, or combined acid/alkaline leach processes.

The acid leach process is used for ores with less than 12 percent calcium carbonate. Sulfuric acid, which extracts values quickly (usually 4 to 24 hours) is used. Tetravalent uranium must be oxidized to the uranyl form (VI) by adding an oxidizing agent (typically sodium chlorate or manganese dioxide). Uranyl sulfate forms a complex compound in the leach, with the anions subsequently extracted for value.

The alkaline leach process employs a solution of sodium carbonate in an oxidizing environment. In this process, uranium and vanadium values are extracted from their ores selectively and subsequently precipitated from the leach by raising the pH through the addition of sodium hydroxide.

Uranium in the pregnant leach liquor can be concentrated through ion exchange or solvent extraction. The values are then stripped or extracted and precipitated.

Approximately 80 percent of the total amount of uranium ore produced in the United States is recovered from mines that generate mine water. Water treatment practices in those mines include: (1) impoundment and solar evaporation, (2) ion exchange for uranium recovery, (3) flocculation and settling for heavy metals and suspended solids removal, (4) barium chloride ( $\text{BaCl}_2$ ) coprecipitation of radium 226, and (5) radium 226 removal by ion exchange. Mine drainage is usually discharged to surface waters.

Only one of the 18 uranium mills discharges mill process water to surface waters. It treats the 580,000 gallon per day waste stream by settling, flocculation, and barium chloride coprecipitation for radium 226 removal. The remaining mills achieve zero discharge largely by impoundment and evaporation.

In reviewing BAT for the uranium ores subcategory, EPA found the following pollutants for control: arsenic, nickel, zinc, radium 226, uranium, COD, and

TSS. (See Section VIII of this notice for a discussion of pollutant parameter selection.)

#### Antimony

Antimony is recovered both from ore and as a byproduct of silver and lead concentrates. Antimony is located in ores in Idaho and Montana. However, only one operating mine/mill now produces antimony as a primary product. The ore is mined underground and concentrated using the froth flotation process. The mine has no known discharge because it is above the water table. The mill wastewater flows to an impoundment and is then retained.

Other mine/mills and smelters recover byproduct antimony. Thirty to fifty percent of domestic production of antimony (724 metric tons in 1977) in recent years has been recovered as a byproduct of lead smelting.

In reviewing BAT, EPA established a separate subcategory for antimony ores, reserving effluent limitations reserved until the Agency gathers additional data on the waste water discharges of this single existing facility.

#### Titanium

Four facilities in the United States produce titanium concentrates. One operation extracts titanium from lode ore deposits. Three operations dredge sands to recover titanium minerals (ilmenite). The lode ore operation is in New York, one sand dredging operation is in New Jersey and the remaining facilities are in Florida. In 1979, severe price competition from Australian titanium-producing operations forced three other sand dredging operations to close.

The titanium sand dredging mines are now processing over 27 million metric tons of ore per year. From this ore, the mills produce approximately 500,000 metric tons per year of mineral concentrate.

The mine that extracts ilmenite from lode ore treats wastewater by settling. The mill associated with this mine uses pH adjustment, settling, and recycle to treat wastewaters, with seasonal discharge to a river. Usually the discharge period lasts approximately three weeks per year. At the sand dredging facilities, multiple settling ponds are used before discharge. Dredge pond water is recycled for reuse, with excess water entering the multiple settling pond system. Wastewater treatment removes suspended solids primarily.

In reviewing BAT for the titanium ore subcategory, EPA found the following pollutants for control: nickel, zinc, iron, and TSS. (See Section VIII of this

preamble for a discussion of pollutant parameter selection.)

#### III. Scope of This Rulemaking and Summary of Methodology

The proposed regulation is an expansion of water pollution control requirements for the ore mining and dressing industry. From 1973 through 1976, EPA emphasized the achievement of limitations based on application of best practicable technology (BPT) by July 1, 1977. In general, this technology level represented the average of the best existing performances of well-known technologies for control of familiar (i.e., "classical") pollutants. In this industry, many metal pollutants that Congress subsequently designated as toxic were also regulated under BPT.

In this rulemaking, EPA has sought to ensure the achievement, by July 1, 1984, of limitations based on application of the best available technology economically achievable (BAT). In general, this technology level represents the best economically achievable performance in any industry category or subcategory. Moreover, as a result of the Clean Water Act of 1977, the emphasis of EPA's program has shifted from control of "classical" pollutants to the control of toxic substances.

In the 1977 legislation, Congress recognized that it was dealing with areas of scientific uncertainty when it declared the 65 "priority" pollutants and classes of pollutants "toxic" under section 307(a) of the Act. The "priority" pollutants have been relatively unknown outside the scientific community, and those engaged in wastewater sampling and control have had little experience dealing with these pollutants. Additionally, these pollutants can often appear and can have toxic effects at concentrations that severely tax current analytical techniques. Even though Congress was aware of the state-of-the-art difficulties and expense of toxics control and detection, it directed EPA to act quickly and decisively to detect, measure, and regulate these substances.

EPA's implementation of the Act is described in this section and succeeding sections of this notice. Initially, because in many cases no public or private agency had done so, EPA, its laboratories, and consultants had to develop analytical methods for toxic pollutant detection and measurement (see section IV of this notice). EPA then gathered technical and economic data about the industry, which are also summarized in Section IV. A number of steps were involved in arriving at the proposed limitations.



First, EPA studied the ore mining and dressing industry to determine whether differences in raw materials; final products; manufacturing processes; equipment, age, and size of plants, water usage; wastewater constituents; or other factors required the development of separate effluent limitations and standards for different subcategories and segments of the industry. This study included identifying raw waste and treated effluent characteristics, including: the sources and volume of water used, the processes employed, the sources of pollutants and wastewater in the plant and the constituents of wastewater, including toxic pollutants. EPA then identified the constituents of wastewaters that should be considered for effluent limitations guidelines and standards of performance.

Next, EPA identified several distinct control and treatment technologies, including both in-plant and end-of-process technologies, that are in use or capable of being used in the ore mining and dressing industry. The Agency compiled and analyzed historical and newly generated data on the effluent quality resulting from the application of these technologies. The long-term performance, operations, limitations, and reliability of each treatment and control technology were also identified. In addition, EPA considered the non-water quality environmental impacts of these technologies, including impacts on air quality, solid waste generation, water availability, and energy requirements.

The Agency then estimated the costs of each control and treatment technology from unit cost curves developed by standard engineering analyses as applied to ore mining and dressing wastewater characteristics. EPA derived unit process costs from representative plant characteristics (production and flow) applied to each treatment process (i.e., secondary settling, pH adjustment and settling, granular-media filtration, etc.). These unit process costs were added to yield total cost at each treatment level. After confirming the reasonableness of this methodology by comparing EPA cost estimates with treatment systems supplied by the industry, the Agency evaluated the economic impacts of these costs. (Costs and economic impacts are discussed in detail under the various technology options and in section XVII of this preamble.)

After considering these factors, EPA identified various control and treatment technologies as BAT and BADT (Best Available Demonstrated Technology).

The proposed regulation, however, does not require the installation of any particular technology or limit the choices of technologies that may be used in specific situations. Rather, it requires achievement of effluent limitations that represent the proper design, construction, and operation of these or equivalent technologies.

The effluent limitations for ore mining and dressing BAT, BCT, and NSPS are expressed in concentrations (e.g., milligrams of pollutant per liter of wastewater) rather than loading per unit(s) of production (e.g., kg of pollutant per metric ton of product) because correlating units of production and wastewater discharged by mines and mills was not possible for this category. The reasons are:

(1) The quantity of mine water discharged varies considerably from mine to mine and is influenced by topography, climate, geology (affecting infiltration rates) and the continuous nature of water infiltration regardless of production rates. Mine water may be generated and required to be treated and discharged even if production is reduced or terminated.

(2) Consistent water use and loss relationships for ore mills could not be derived from facility to facility within a subcategory because of wide variations in application of specific processes. The subtle differences in ore mineralogy and process development may require the use of differing amounts of water and process reagents but do not necessarily require different wastewater treatment technology(ies).

The Agency is not proposing pretreatment standards because it does not know of any existing facilities that discharge to POTWs or any that are planned.

#### IV. Data-Gathering Program

##### (A) Sampling and Analytical Methods

As Congress recognized in enacting the Clean Water Act of 1977, the state-of-the-art ability to monitor and detect toxic pollutants is limited. Most toxic pollutants were relatively unknown until only a few years ago, and only on rare occasions has EPA regulated or has industry monitored or even developed methods to monitor these pollutants. Section 304(h) of the Act, however, requires the Administrator to promulgate guidelines to establish test procedures for the analysis of toxic pollutants. As a result, EPA scientists, including staff of the Environmental Research Laboratory in Athens, Georgia, and staff of the Environmental

Monitoring and Support Laboratory in Cincinnati, Ohio, conducted a literature search and initiated a laboratory program to develop analytical protocols. The analytical techniques used in this rulemaking were developed concurrently with the development of general sampling and analytical protocols and were incorporated into the protocols ultimately adopted for the study of other industrial categories. See *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, revised April 1977.

Because section 304(h) methods were available for most toxic metals, pesticides, cyanide and phenolics (4AAP), the analytical effort focused on developing methods for sampling and analyses of organic toxic pollutants. The three basic analytical approaches considered by EPA are infrared spectroscopy (IS), gas chromatography (GC) with multiple detectors, and gas chromatography/mass spectrometry (GC/MS). Evaluation of these alternatives led the Agency to propose analytical techniques for 113 toxic organic pollutants (see 44 FR 69464, December 3, 1979, amended 44 FR 75028, December 18, 1979) based on: (1) GC with selected detectors, or high-performance liquid chromatography (HPLC), depending on the particular pollutant and (2) GC/MS. In selecting among these alternatives, EPA considered their sensitivity, laboratory availability, costs, applicability to diverse waste streams from numerous industries, and capability for implementation within the statutory and court-ordered time constraints of EPA's program. The rationale for selecting the proposed analytical protocols may be found in 44 FR 69464 (December 3, 1979).

In EPA's judgment, the test procedures used in this rulemaking represent the best state-of-the-art methods for toxic pollutant analyses available when this study was begun. As state-of-the-art technology progresses, future rulemaking will be initiated to evaluate, and if necessary, incorporate these changes.

Before analyzing ore mining and dressing wastewater, EPA defined specific toxic pollutants for the analyses. The list of 65 pollutants and classes of pollutants potentially includes thousands of specific pollutants, and the expenditure of resources in government and private laboratories would be overwhelming if analyses were attempted for all these pollutants. Therefore, to make the task more manageable, EPA selected 129 specific toxic pollutants for study in this



rulemaking and other industry rulemakings.

In general, EPA collected four types of samples from each sampling point: (1) a 9.6 liter, 24-hour composite sample used to analyze metals, pesticides, PCBs, asbestos, organic compounds, and the classical parameters; (2) a 1-liter, 24-hour composite sample used to analyze total cyanide; (3) a 0.47-liter, 24-hour composite sample to analyze total phenolics (4AAP); and (4) two 125-ml grab samples to analyze volatile organic compounds by the "purge and trap" method.

EPA analyzed for toxic pollutants according to groups of chemicals and associated analytical schemes. Organic toxic pollutants included volatile (purgeable), base-neutral and acid (extractable) pollutants, and pesticides. Inorganic toxic pollutants included toxic metals, cyanide, and asbestos (chrysotile and total asbestiform fibers).

The primary method used in screening and verification of the volatile, base-neutral, and acid organics was gas chromatography with confirmation and quantification on all samples by mass spectrometry (GC/MS). Phenolics (total) were analyzed by the 4-aminoantipyrine (4AAP) method. GC was employed for analysis of pesticides with limited MS confirmation. The Agency analyzed the toxic metals by atomic adsorption spectrometry (AAS), with flame or graphite furnace atomization following appropriate digestion of the sample. Samples were analyzed for total cyanide by a colorimetric method, with sulfide previously removed by distillation. Asbestos was analyzed by transmission electron microscopy and fiber presence reported as chrysotile and total fiber counts. EPA analyzed for seven other parameters including: pH, temperature, TSS, VSS, COD, TOC, iron, aluminum, and radium 226 (total and dissolved).

The high costs, time-consuming nature of analysis, and limited laboratory capability for toxic pollutant analyses posed considerable difficulties to EPA. The cost of each wastewater analysis for organic toxic pollutants ranges between \$650 and \$1,700, excluding sampling costs (based on quotations recently obtained from a number of analytical laboratories). Even with unlimited resources, however, time and laboratory capability would have posed additional constraints. Efficiency is improving, but when this study was initiated, a well-trained technician using the most sophisticated equipment could perform only one complete organic analysis in an eight-hour workday. Moreover, when this rulemaking study began only about 15 commercial laboratories in the United States could

perform these analyses. Today, EPA knows of over 50 commercial laboratories that can perform these analyses, and the number is increasing as the demand increases.

In planning data generation for this rulemaking, EPA considered requiring dischargers to monitor and analyze toxic pollutants under section 308 of the Act. The Agency did not use this authority, however, because it was reluctant to increase the cost to the industry and because it desired to keep direct control over sample analyses in view of the developmental nature of the methodology and the need for close quality control. In addition, EPA believed that the slow pace and limited laboratory capability for toxic pollutant analysis would have hampered mandatory sampling and analysis. Although EPA believes that available data support these regulations, it would have preferred a larger data base for some of the toxic pollutants and will continue to seek additional data. EPA will periodically review these regulations, as required by the Act, and make any revisions supported by new data.

#### (B) Data Gathering Efforts

Data gathering for the ore mining and dressing industry included an extensive collection of information:

- (1) Screening and verification sampling and analysis programs
- (2) Engineering cost site visits
- (3) Supporting data from EPA regional offices
- (4) Treatability studies
- (5) Industry self-monitoring sampling
- (6) BPT data base
- (7) Placer study
- (8) Titanium sand dredges study
- (9) Uranium study

EPA began an extensive data collection effort during 1974 and 1975 to develop BPT effluent standards. These data included results from sampling programs conducted by the Agency at mines and mills and an assimilation of historical data supplied by the industry, the Bureau of Mines, and other sources. This information characterized wastewaters from ore mining and milling operations according to what were then considered key parameters—total suspended solids, pH, lead, zinc, copper, and other metals. However, little information on other environmental parameters, such as other toxic metals and organics, was available from industry or government sources. To establish the levels of these pollutants, the Agency instituted a second sampling and analysis program to specifically address these toxic substances, including 129 specific toxic pollutants

for which regulation was mandated by the Clean Water Act.

EPA began the second sampling and analysis program (screening and verification sampling) in 1977 to establish the quantities of toxic, conventional, and nonconventional pollutants in ore mine drainage and mill processing effluents. EPA visited 20 and 14 facilities respectively for screening and verification sampling.

EPA selected at least one facility in each major BPT subcategory. The sites selected were representative of the operations and wastewater characteristics present in particular subcategories. To determine these sites, the Agency reviewed the BPT data base and industry as a whole, with consideration to:

- (1) Those using reagents or reagents constituents on the toxic pollutants list;
- (2) Those using effective treatment for BPT regulated pollutants;
- (3) Those for which historical data were available as a means of verifying results obtained during screening;
- (4) Those suspected of producing wastewater streams that contain pollutants not traditionally monitored. These facilities were visited from April through November 1977.

After reviewing screen sampling analytical results, EPA selected 14 sites for verification sampling visits. Because most of the organic toxic pollutants were either not detected or detected only at low concentrations in the screen samples, the Agency emphasized verification sampling for total phenolics (4AAP), total cyanide asbestos (chrysotile), and toxic metals.

EPA revisited six of the facilities to collect additional data on concentrations of total phenolics (4AAP) total cyanide, asbestos (chrysotile), and to confirm earlier measurements of these parameters.

After completing verification sampling, EPA conducted sampling of two additional sites. At one molybdenum mill operation, a complete screen sampling effort was performed to determine the presence of toxic pollutants and to collect data on the performance of a newly installed treatment system. The second facility, a uranium mine/mill, was sampled to collect data on a facility removing radium 226 by ion exchange. Samples collected at this facility were not analyzed for organic toxic pollutants.

The Agency conducted a separate sampling effort to evaluate treatment technologies at Alaskan placer gold mines. This study was undertaken because gold placer mining was reserved under BPT rulemaking and



because little data were previously available on the performance of existing treatment systems.

Industrial self-sampling was conducted at three facilities visited during screen sampling to supplement and expand the data for these facilities. The programs lasted from two to twelve weeks. EPA selected two operations because they had been identified during the BPT study as two of the best treatment facilities; the third because additional data on long-term variations in waste stream characteristics at these sites were needed to supplement the historical discharge monitoring data, to reflect any recent changes or improvements in the treatment technology used, and to confirm that variations in raw wastewater levels did not affect concentrations in treated effluents.

The Agency's regional surveillance and analysis groups performed additional sampling at fourteen facilities: nine in Colorado, Idaho, Wyoming, and Montana; one in Arkansas; and four in Missouri.

Discharge monitoring reports were collected from EPA regional offices for many of the ore producing facilities with treatment systems. These data were used in evaluating the variations in flow and wastewater characteristics associated with mine drainage and mill wastewater.

The Agency took samples during the cost-site visits, although the primary reason for the visits was to collect data that would assist the Agency in developing unit process cost curves and that would verify the cost assumptions made. However, since many of the sites had been sampled previously, the new sampling data obtained served as additional verification of waste characterization data.

EPA conducted thirteen treatability studies to characterize performance of alternative treatment technologies on ore mine and mill wastewaters. Secondary settling, flocculation, granular media filtration, ozonation, alkaline chlorination and hydrogen peroxide treatment (described in detail in section VI) were all examined in bench- and pilot-scale studies. The data obtained from these studies were compared with data obtained on the performance of these systems in actual operation on pilot and full scale. In addition, the data were used to determine the range of variability that might be expected for these technologies, especially during periods of steady running.

EPA obtained the data for its economic analysis primarily from a survey conducted under section 308 of

the Clean Water Act. The Agency sent questionnaires to 138 companies engaged in mining and milling of metal ores. The data collected included production levels, employment, revenue, operating costs, working capital, ore grade, and other relevant information. The economic survey data were supplemented by data from government publications, trade journals, and visits to several mine/mills.

#### V. Industry Subcategorization

All industries vary among facilities with respect to raw materials and other factors which can affect wastewater characteristics and treatment technology. These factors in the ore mining and dressing industry are extraordinarily diverse. Therefore, EPA had to decide on a subcategorization which would adequately account for important differences among different types of mines and mills. On the other hand, many differences are simply not relevant to the issue underlying subcategorization—whether the effluent limitations for plants in one group should differ from those in another group.

The BPT subcategorization scheme was based on several factors that the Agency deemed important in subcategorizing the industry for BAT. Ore mineralogy was a useful method for initially subcategorizing the industry. Generally, the type of ore is one factor in determining the types of pollutants found in wastewater, and hence the treatment technology required. For example, wastewater associated with uranium ore contains radium 226 and uranium, which require treatment technologies not needed for iron ore wastewater. On the other hand, wastewater from lead, zinc, or copper facilities contains a variety of toxic metals not associated with uranium ores.

However, in some cases, wastewater characteristics, treatment technology, and achievable effluent limitations are independent of ore type. This is particularly true for copper, lead, zinc, gold, and silver ores which are processed by froth flotation. Moreover, these metals are frequently found together in the same ore.

Thus, the BPT regulations subcategorized the industry first by basic ore type: iron ore, base and precious metals (including copper, lead, zinc, gold, platinum and silver), aluminum, ferroalloy, uranium, radium and vanadium, mercury, and titanium.

EPA subdivided each subcategory on the basis of whether the discharger is a mine or a mill, since the flow of minewater may vary considerably and

untreated mine water generally contains lower concentrations of most pollutants than untreated mill process water.

EPA further subdivided some subcategories according to the type of beneficiation process employed. Flotation processes, for example, significantly change the character of mill effluent because of pH control, which is needed to maximize metals recovery, and addition of chemical reagents during the mill process. Consequently, flotation processes create different kinds of wastewater than other beneficiation processes. Moreover, EPA determined that for some beneficiation processes, zero discharge of process wastewater was a proper BPT requirement.

In *Kennecott Copper Corp. v. EPA*, *supra*, the court upheld the Agency's BPT subcategorization scheme against industry challenge (with one minor exception not pertinent here). Consequently, the Agency has retained the BPT subcategorization scheme, with a few minor adjustments.

Subpart D of the BPT regulations created a subcategory consisting of ferroalloy ores, which include chromium, cobalt, columbium, tantalum, manganese, molybdenum, nickel, tungsten, and vanadium (recovered alone, not as a byproduct of uranium mining or milling). EPA made a further subdivision that was based on whether more or less than 5,000 tons per year is processed. However, more recent data show that wastewater from molybdenum mines and mills is like the discharges from facilities in the BPT base and precious metals subcategory—that is, mines and mills extracting copper, lead, zinc, gold, or silver (see 40 CFR Subpart B). Consequently, this proposed regulation move molybdenum mines and mills into the Copper, Lead, Zinc, Gold, Silver, Platinum, and Molybdenum Subcategory (see 40 CFR 440.120). (There are three known molybdenum mines and three mills, all of which process more than 5,000 tons per year.)

In the BPT ferroalloy subcategory, one nickel mine remains and one vanadium mine and mill. Except for tungsten, all other ores are recovered as byproducts of ores directly regulated under other subcategories. The Agency has commissioned studies to consider more closely the nickel and vanadium facilities. After reviewing these data, EPA will take appropriate action. Accordingly, this rulemaking creates subcategories for nickel and vanadium, with limitations reserved. (See 40 CFR 440.90, 440.100).



Tungsten mines and mills, however, would be regulated under this rulemaking (see 40 CFR 440.80). Unlike the BPT requirements, this rulemaking makes no distinctions about facility size. Seven tungsten mines and two mills are known which process more than 5,000 tons per year. Mines and mills with smaller production are generally intermittent operations, which open and close frequently. In addition, EPA believes that many of these facilities are dry and do not discharge. Because of their intermittent nature, these facilities are difficult to locate and thus, the Agency lacks extensive data on them. However, EPA has no information at this time indicating that a separate subcategory should be created, for BAT limitations, for tungsten mines based on size. Tungsten facilities processing less than 5,000 tons per year are encouraged to submit all pertinent information during the comment period on these proposed regulations.

These effluent limitations are applicable to facilities discharging water from ore mining and milling operations. However, some operations, known as complex facilities, combine waste streams from other processes such as refining and smelting with their ore mining and milling wastes, and this combined waste stream is then treated for discharge. BPT effluent limitations are not directly applicable to these complex facilities, but provide a basis for facility-specific limitations (see 43 FR 29771). During the BAT study, EPA gathered additional data on 3 facilities that are known to be complex facilities: White Pine Copper Division, Copper Range Co., White Pine Michigan; Kennecott Copper Corp., Utah Copper Division (Treatment plant effluent only), Salt Lake City, Utah, and Bunker Hill Co., Kellogg, Idaho. EPA considered creating a separate subcategory for all the complex facilities or a separate subcategory for each of the complex facilities.

We have, however, decided not to propose such regulation and instead have prepared a separate report on each of the 3 facilities to be used as guidance documents by the permitting authority in issuing NPDES permits. In effect, each facility will be given effluent limitations that will take into account BAT mine and mill guidelines, treatability of waste streams, and smelter and refining guidelines.

BAT effluent limitations for smelters and refineries Nonferrous Metals Manufacturing, were promulgated February 27, 1975 (40 FR 8527), but, as a result of the 1977 amendments to the Act addressing the control of toxics, is being

reviewed. The Agency will be proposing revised BAT limits for smelters and refineries

## VI. Available Wastewater Control and Treatment Technology

### (A) Status of In-Place Technology

BPT regulations for the ore mining and dressing industry have been in effect since 1978. The treatment technologies required to meet these limitations vary somewhat from subcategory to subcategory. In general, mines and mills use wastewater treatment that includes chemical precipitation (usually with lime) of metals by elevation of pH, followed by settling to remove solids. Use of flocculation aids, such as alum or polyelectrolytes, was identified as a BPT technology for treatment of mine drainage and mill process water in the iron ore subcategory (except for the Mesabi Range mills, where zero discharge was specified). Secondary settling and flocculation chemicals were identified as BPT treatment technologies for mine drainage in the ferroalloy ore (tungsten ore) subcategory. In the uranium ore subcategory, for mine drainage and mill process water, BPT treatment included chemical precipitation of metals, settling, ion exchange (for uranium), and secondary settling. Throughout the industry, EPA found facilities that employed these technologies to various degrees to suit their specific situation(s). In fact, several facilities used settling alone to achieve BPT limitations.

### (B) Control Technologies Considered for Use in the Industry

Current industry practices and other available wastewater treatment technologies considered for control of the pollutants discharged by the ore mining and dressing industry include secondary settling, flocculant addition, additional pH adjustment, granular media filtration, use of mechanical clarifiers, activated carbon adsorption, sulfide precipitation, ion exchange, ozonation, alkaline chlorination, hydrogen peroxide oxidation, and partial or total recycle. All these technologies are considered to be "add-on" technologies to the basic BPT treatment schemes, which EPA assumes are already in place. The "add-on" element is taken into account both in the evaluation of achievable effluent pollutant levels and in the cost estimates prepared for each facility.

A number of facilities may be able to meet BAT limitations more stringent than BPT limitations by optimizing their present treatment system. In addition, many facilities may employ additional

process controls rather than additional treatment technologies to achieve more stringent limitations. Specific facilities may be able to meet more stringent limitations without installation of the technologies identified above. For example, initial raw wastewater pollutant concentrations may be low; or particle size distributions may be amenable to rapid settling and thus effect removal of suspended solids and contained metals, in primary settling ponds. Regardless, for each technology studied, the limitation can be achieved provided the technologies are operated optimally.

Wastewater treatment technologies were evaluated for applicability to the pollutant parameters of concern, appropriateness for the wastewater volume and pollutant concentrations found in this industry, and economic achievability. The technologies that fulfilled these criteria are described below.

Pollutant levels or concentrations achievable by these technologies were determined using data from sampling and analysis at existing facilities, together with data from 13 treatability studies and data provided by the industry.

#### (1) Toxic Metals and TSS Removal.

##### Secondary Settling

Settling ponds are frequently used in a multiple arrangement, in which one or more settling ponds are added in series with primary settling ponds. The purpose of this scheme is to further reduce suspended solid loading in the sequential ponds. It may also be used to allow the use of chemical precipitation, pH control, or coagulants or flocculants before discharge or recycle. Unaided secondary settling is most effective when existing conditions are not ideal in the primary settling ponds. It provides additional residence time in the treatment system and affords additional removal of suspended solids and associated heavy metals. At least 17 facilities practice secondary or multiple pond treatment.

##### Coagulation/Flocculation

In coagulation and flocculation, chemical coagulants act to destabilize colloidal solids, causing them to gather together in a floc and settle. The primary purpose of chemical coagulation or flocculant addition to wastewater is to increase the size of settling particles by forming flocs of individual particles that act as a single large particle, which settles faster than individual particles. These chemicals typically are added upstream of sedimentation ponds,



clarifiers, or filter units. This practice has demonstrated improved metals removal due to the formation of flocs, which appear to be effective in adsorbing and absorbing fine metal hydroxide precipitates (particles) formed either naturally or by pH adjustment using lime.

Over ten facilities in the industry now practice this type of treatment.

#### *pH Adjustment and Settling*

Adjustment of pH, usually with lime, changes the solubility of many dissolved metals, causing them to precipitate as a solid. These precipitated metals are then removed with other solids through settling. This technology is commonly used in the industry and is the basis for BPT in most subcategories. It is considered again because the process can be applied or optimized with the potential for significantly improved metals removal in some subcategories. For example, a treatment system operated at a pH of 7 can often improve dissolved metals removal by increasing the pH to 9 while maintaining the same settling time.

#### *Granular Media Filtration*

Filtration is accomplished by passing water through a physically restrictive medium (such as sand), thereby entrapping suspended particulate matter. Filtration systems are usually located downstream of primary settling ponds and work best when applied to waste streams having TSS loads of 50 mg/l or less. Filtration can be used to remove a wide range of suspended particle sizes. Next to gravity sedimentation (unaided settling), granular-media filtration is the most widely used process for the separation of solids from wastewater. Ultimate clarification of the filtered water is a function of particle size, filter medium porosity, filter loading rate, frequency of backwash, and other variables. This technology has been demonstrated in both industrial and municipal applications and is cost-effective in relation to other technologies when reductions to 10 mg/l TSS are required. During periods of steady operation of properly sized and designed units, granular media filters have consistently demonstrated the ability to achieve proposed limitations for TSS and metals. Reduction of metals is a function of the metals contained in the solids (particles of ores, waste rock, tailings, and solids formed during lime precipitation of dissolved metals).

#### *Clarifiers*

Clarifiers are large tanks that have systems to direct and segregate solids.

The design of these devices provides for concentration and removal of suspended and settleable solids in one effluent stream and a clarified liquid in the other. Clarified waters with extremely low solids contents may be produced through proper design and application. Settled solids from clarifiers are removed periodically or continuously for either disposal or recovery of contained values. The use of clarifiers improves treatment efficiency, reduces the area needed for tailing ponds, and facilitates the reuse or recycle of water in the milling operation. The use of flocculants to enhance the performance of clarifiers is common practice. In this industry, clarifiers have their greatest use when the additional space for more settling ponds is not available or topography precludes construction of ponds.

#### *Complete Recycle*

Raw wastewater discharged from a typical ore mill is usually routed to a settling pond for suspended solids and metals removal. In complete recycle, all treated water is routed back to the mill for reuse in the beneficiating process. Facilities that use recycle are often in arid regions because of the scarcity of available water. Many facilities both in arid and humid regions recycle at least a portion of their process wastewater.

Complete recycle of mine drainage is generally not a viable option. Except for small amounts of water used in dust control, cooling, drilling fluids, and transport fluids for sluicing tailings back to the mine, water is not widely used in mines. In some cases, mine drainage is used by the mill as process water in beneficiation. However, the volume of mine drainage may exceed the mill's requirement for process water, making complete reuse unachievable.

#### *(2) Cyanide Removal*

Three technologies, alkaline chlorination, ozonation, and hydrogen peroxide oxidation were considered to convert cyanide into the nontoxic gases carbon dioxide ( $\text{CO}_2$ ) and nitrogen ( $\text{N}_2$ ). These technologies do not remove toxic metals. Cyanide appears in wastewater as the result of two processes used in the ore mining and dressing industry: (1) the cyanidation leach process used primarily for gold recovery and (2) the froth flotation process in which cyanide compounds are used as selective reagents. Under BPT, wastewater from the cyanide leach process for gold was subject to no discharge. The cyanide limits for the froth flotation mills under the base and precious metals ores were later withdrawn because of an inadequate data base. Raw wastewater from froth flotation mills typically contains some total cyanide, but the

highest treated effluent level measured was less than 0.4 mg/l. A few mines in the industry practice hydraulic backfilling of mines with tailings from froth flotation process, and in these cases, cyanide is found in the mine drainage in concentrations less than those found in the mill discharge.

Specific technology for destruction of cyanide is not used at most domestic mine/mill operations that use cyanide. Such technology is generally not necessary because in-process controls and retention of wastewater in tailing ponds have reduced cyanide concentrations to less than detectable. The mechanism of cyanide decomposition within a tailing pond is thought to involve photo-decomposition by ultraviolet light, aeration, and biological oxidation.

Some domestic and foreign mine/mill operations have investigated and implemented specific technologies for cyanide oxidation. The technologies most applicable to mine/mill wastewater are discussed below.

#### *Alkaline Chlorination*

In alkaline chlorination, free cyanide ( $\text{CN}^-$ ) is oxidized to cyanate ( $\text{CNO}^-$ ), then to carbon dioxide ( $\text{CO}_2$ ) and free nitrogen ( $\text{N}_2$ ). One facility in the industry now has an alkaline chlorination system in operation as a standby treatment if an emergency discharge should occur (mill treatment system is no discharge). A major mill has installed a full-scale system (2000 gpm). Several other facilities are performing treatability studies to determine the applicability and economics of operation of this technology.

The process uses free chlorine or sodium hypochlorite at a pH above 10. Reagent dosage, contact time, and the number of stages must be suited to the wastewater in question. Optimization of this process is best done using pilot-scale testing. Advantages to the use of alkaline chlorination include relatively low reagent costs, applicability of automatic process control, and experience with its use in other industries (e.g., electroplating).

#### *Ozonation*

In the ozonation process, the highly reactive ozone ( $\text{O}_3$ ) molecules readily liberate oxygen atoms, which then react with cyanide to form cyanate very rapidly. Complete oxidation to  $\text{CO}_2$  and  $\text{N}_2$  occurs over a longer period of time (perhaps 30 minutes) with a higher concentration of ozone. Cyanide oxidation to cyanate is very rapid (10 to 15 minutes) at pH 9 to 12 and is



practically instantaneous if copper is present.

Ozone also oxidizes other organic compounds if sufficient ozone and retention time are provided. However, the concentrations of compounds, such as phenol are already very low and may be below the levels at which this treatment may be applied economically.

#### *Hydrogen Peroxide Oxidation*

This process uses hydrogen peroxide to oxidize cyanide. In practice, a 30 percent solution is usually used at an alkaline pH with a copper catalyst. A patented process is also commercially available, which is capable of oxidizing cyanide to cyanate. This process has been successfully employed at one molybdenum mining and milling facility to treat relatively low concentrations of cyanide and reduce effluent levels to near detection limit.

#### *In-Process Control of Cyanide*

As noted, sodium cyanide is used as a reagent in the froth flotation process. Control of sodium cyanide dosages is important for optimal recovery and purity of the ore concentrate, for control of reagent costs, and for quality of the facility wastewater effluent. An insufficient amount of reagent may seriously reduce recovery but an excess amount seldom affects recovery except in extreme dosages. As a result, mills may tend to overshoot the necessary dosage. Therefore, improvements in control and reduction of cyanide dosage to the absolutely necessary level will result in lowered effluent cyanide levels. Seven mills in the industry have installed on-line X-ray analysis systems of ore feed. Other mills have replaced valve operated reagent feeders with metered feeders, such as the Clarkson or Geary feeder, which maintain constant flow. Use of these technologies to influence the amount of cyanide fed to the process insures that the proper amount of reagent required is added and reduces the possibility of "overshooting" the correct dosage.

#### *Reagent Substitution*

Research sponsored by EPA shows that, in some cases, sodium sulfite or sodium monosulfide can replace sodium cyanide as reagents in froth flotation. In fact, one mill in the ore industry uses sodium sulfide and another uses sodium bisulfide in its froth flotation process. However, the successful use of cyanide alternatives would generally require readjustment (for maximum recovery) of the process and adjustment of other reagent concentrations at the flotation mill. The degree of effectiveness of any given reagent varies, depending on the

properties of the ore at a particular location. The Agency has not been able to determine whether reagent substitution is feasible on an industry-wide basis.

#### *(c) Cost Development.*

EPA determined the costs of applying these technologies by obtaining cost data from equipment manufacturers and by applying standard engineering data and cost estimation techniques (see section IX of the development document). The Agency then assessed the impact of these costs on individual companies, the subcategories within the industry, and the industry as a whole.

None of the in-plant control or end-of-pipe treatment technologies studied in the development of these regulations is considered innovative within section 301(k) of the Clean Water Act. All the in-plant controls and process modifications described in this notice, and in greater detail in the development document, have either been used or investigated for use in this industry and do not represent major process changes in cyanide control. The end-of-pipe treatment technologies have also been applied in this and other industries.

### **VII. Substantive Change From Prior Regulations**

This proposed rulemaking requires no more stringent effluent limitations in most instances than do the BPT regulations applicable to this industry. However, today's proposal would differ from the BPT requirements in the following respect.

#### *Storm Provision*

The BPT regulation states that:

Any excess water, resulting from rainfall or snowmelt, discharged from facilities designed, constructed, and maintained to contain or treat the volume of water which would result from a 10-year, 24-hour precipitation event, shall not be subject to the limitations set forth in 40 CFR 440. 40 CFR 440.81(c) (1980).

This provision was further clarified by EPA on February 8, 1979 (see 44 FR 7954). As explained in that notice, the storm provision modifies the requirements for both mill process water and mine.

The (BPT) regulations are intended to require that, if a holding facility \* \* \* is designed, constructed, and maintained to hold a volume of water equal to (1) all process water applied by the operator to the active leach area plus (2) a volume of storm water which, during a 10-year, 24-hour storm event, falls on the area which drains into such holding facility, then any excess water discharged \* \* \* may be discharged. (44 FR 7954 (February 8, 1979))

The storm provision modified the effluent requirements for mine drainage in similar fashion. *Id.*

The storm provision proposed in this rulemaking would differ slightly depending on whether or not a facility must achieve no discharge. Under the BPT provision, the storm exemption in all cases is predicated on a design volume criterion—that the facility be constructed and operated to provide proper treatment or containment of (1) process water and (2) a volume of water equal to the volume that would result from a 10-year, 24-hour storm. If the facility met that volume criterion, the storm provision could apply during a storm of any magnitude. In short, the storm exemption was tied to a design volume, not to a design storm event.

However, this proposed rulemaking ties the storm exemption to the 10-year, 24-hour storm event for new sources subject to no discharge requirements. For example, wastewater from a copper dump leach operation, which is subject to no discharge (40 CFR 440.124), must be contained, including all storm runoff draining into the holding pond. Process wastewater may be discharged only when a 10-year, 24-hour or larger precipitation event occurs. For facilities not subject to no discharge (e.g., existing froth flotation mills and existing and new source mine drainage), the storm provision remains tied to a design volume criterion. The Agency recognizes that these facilities, which frequently have a continuous discharge, may not be able to meet the prescribed effluent limitations during storms smaller than a 10-year event.

### **VIII. Pollutant Parameter Selection**

#### *(A) Pollutants Not Regulated*

The Revised Settlement Agreement discussed in Sections I and II authorizes the exclusion from regulation, in certain instances, of pollutants and industry subcategories. Data collected by EPA and individual companies within the industry were used in deciding which specific toxic pollutants would be excluded.

Paragraph 8(a)(iii) of the Revised Settlement Agreement allows the Administrator to exclude from regulation toxic pollutants not detectable by section 304(h) analytical methods or other state-of-the-art methods. This provision includes pollutants below EPA's nominal detection limit. In addition, Paragraph 8(a)(iii) allows the exclusion of pollutants that were detected in amounts too small to be effectively reduced by technologies known to the



Administrator. Pollutants excluded under these provisions are listed in Appendices B, C and D. One hundred and thirteen toxic organics, cyanide and six toxic metals are excluded from regulation under these provisions.

Cyanide, as measured by the EPA-approved method for total cyanide, is subject to 100-percent error when applied to the concentrations found in the discharges from the ore mining and dressing point source category. Problems were frequently encountered with quality control and analysis of cyanide in mining wastewater samples using the EPA-approved Belack Distillation method. A study of the analysis of cyanide in ore mining and processing wastewater was conducted in cooperation with industry, EPA's EMSL laboratory in Cincinnati, and private chemical laboratories. (Section V of the development document presents a discussion of this study).

This study indicates that any limitation for cyanide from this industry must allow an analytical measurement of up to 0.4 mg/l for total cyanide, where the sample is collected as a grab sample. Because of inprocess controls on the use of cyanide which have been implemented by the industry and the natural aeration that occurs in the BPT systems designed essentially for the removal of metals and TSS, all of the effluent data on total cyanide and many existing permit conditions show concentrations below 0.4 mg/l. Therefore, further reduction of cyanide is unnecessary and beyond the technologies known to the Administrator.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation pollutants detected in the effluent of only a small number of sources within the category and uniquely related to those sources. The toxic organic pollutant, 2,4-dimethylphenol, was detected in the effluent at only one facility (9202) during the screen sampling program. Aerofloat TM, used as a flotation agent in ore beneficiation at this facility, is a precursor of 2,4-dimethylphenol. Thus, 2,4-dimethylphenol is excluded under this provision.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation pollutants that are effectively controlled by the technology upon which other effluent limitations and guidelines are based. The Agency believes that the technology upon which BPT and BCT effluent limitations for TSS are based will effectively control the toxic pollutant asbestos (chrysotile). As discussed in Section X of this notice,

BCT limitations for TSS are established equal to BPT limitations.

Furthermore, the Agency believes that arsenic and nickel found in discharges from ore mining and dressing are adequately controlled by the incidental removal associated with the control and removal of other metals found in the discharges from this industry, e.g., copper, lead, mercury, and zinc. Where any of these metals are limited, they are also found in the raw discharge and if controlled to the limitations specified, any arsenic and nickel in the raw discharge would be reduced to levels that would be proposed if arsenic and nickel were controlled directly (see section X of the development document).

Paragraph 8(a)(i) allows the exclusion of specific pollutants or subcategories for which equal or more stringent protection is already provided by an effluent standard, new source performance standard, or pretreatment standard. EPA proposes to exclude particular subcategories and subparts as listed in Appendix G where BPT provides protection equal to those options considered for BAT.

In addition to the toxic pollutants excluded for all subcategories, EPA is proposing to exclude certain toxic pollutants from particular subcategories and subparts. These pollutants were either not detected or detected in particular subcategories and subparts and then excluded because the pollutants were present in amounts too small to be effectively reduced by technologies known to the Administrator. See Appendix H for pollutants excluded by subcategory and subpart.

In addition to the toxic pollutants excluded for subcategories and subparts, EPA is proposing to exclude from BAT the uranium mill subpart of the uranium ore subcategory. A subcategory or subpart may be excluded for a specific pollutant if the pollutant is detectable in the effluent from only a small number of sources within the subcategory or subpart and the pollutant is uniquely related to these sources. Currently eighteen of nineteen existing uranium mills achieve zero discharge of process wastewater. In addition, the Agency knows of no uranium mill that commingles its process wastewater with mine drainage and it is anticipated that none of these zero discharge mills would elect to treat and discharge at the BPT limitations because of the expense to install BPT, i.e., ion exchange, ammonia stripping, lime precipitation, barium chloride coprecipitation, and settling. Therefore, the pollutants detected in the

uranium mill subpart are uniquely related to one point source, the single discharging mill, and the uranium mill subpart is excluded from BAT under the provision. However, as discussed in section XI of this preamble, NSPS is proposed at zero discharge.

The limitations in this regulation have been developed to apply to the general case for this industry category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not subject to limitations in this regulation (see Section XVII of this preamble).

#### (B) Regulated Pollutants

The basis on which the controlled pollutants were selected is set out in Section VII of the development document.

(1) *BAT and NSPS.* Five toxic pollutants found in the ore mining and dressing wastewaters are controlled, except when excluded by criteria described in subsection (A) above. BAT limitations and NSPS are being established for cadmium, copper, lead, mercury, and zinc in particular subcategories and subparts.

In addition to the control of toxics, nonconventional pollutants which were regulated under BPT are being controlled in BAT. Effluent limitations are being established for: radium 226 (total and dissolved), uranium, aluminum, and iron (total and dissolved) in the same subcategories and subparts where these pollutants were regulated in BPT.

Pollutants are subject to limitations expressed in milligrams per liter or milliliters per liter for settleable solids. The rationale for the development of concentration-based limitations instead of those based on mass loadings is presented in Section III.

Pollutants that were regulated under BPT and have the same requirements under BAT include the toxic metals and the nonconventional pollutants: radium 226 (total and dissolved), uranium, aluminum, and iron (total and dissolved).

(2) *BCT.* Specific effluent limitations based on BPT are being established for TSS and pH. TSS is also used to control the toxic pollutant asbestos (chrysotile). "Asbestiform fibers" are evident in discharges from ore mining and milling facilities, and chrysotile asbestos was detected in wastewaters in all subcategories and subparts. The difficulty and high cost of analyses for asbestos (chrysotile) found in ore mining and dressing wastewaters has prompted EPA to propose an alternative method of regulation. The BPT and proposed BCT



effluent limitations on TSS, discussed in Section X of this notice, will also control asbestos. The data available to EPA show that the reduction of TSS results in a concomitant reduction in asbestos (chrysotile) to levels that the Agency believes are approximately equal to natural background levels. The Agency believes the limitations on TSS will reduce the difficulty, high cost, and delays of pollutant monitoring and analyses that result if compliance monitoring is based on specific effluent limitations on asbestos (chrysotile). EPA estimates that the indirect regulation by TSS rather than direct regulation of asbestos will save each facility between \$3,000 and \$11,000 annually in monitoring and analysis costs.

In the initial review of the draft technical documents supporting the regulation (see Section XVIII of this preamble), EPA received comments on whether chrysotile asbestos was actually present in some facilities discharges from this industry. If a facility wants to determine whether it is discharging asbestos, the mine or mill operator may monitor for chrysotile asbestos with the limitation of a daily maximum not to exceed  $1 \times 10^8$  fibers/liter to confirm the absence of asbestos above natural background levels.

#### IX. BAT Effluent Limitations

The factors considered in assessing BAT include the age of equipment and facilities involved, the process employed, process changes, non-water quality environmental impacts (including energy requirements), and the costs of applying such technology. (Section 304(b)(2)(B)) In general, the BAT level represents the best economically achievable performance of plants of various ages, sizes, processes, or other shared characteristics. Where existing performance is uniformly inadequate in a particular subcategory, BAT may be transferred from a different subcategory or category. BAT may include process changes or internal controls, even when not common industry practice.

The statutory assessment of BAT considers costs but does not require a balancing of costs against effluent reduction benefits. See *Weyerhaeuser v. Costle*, 590 F.2d 1011 (D.C. Cir. 1978). Nevertheless, in developing the proposed BAT effluent limitations EPA has given substantial weight to the reasonableness of costs. The Agency has considered the volume and nature of discharges, the volume and nature of discharges expected after application of BAT, the general environmental effects of the pollutants, the technical feasibility of implementing the

technology, and the costs and economic impacts of the required pollution control levels.

#### (A) BAT Options for Reduction of Toxic Metal Pollutants

The options considered for BAT are essentially all "add-on" treatment technologies and would be used after treating wastewater in BPT systems (see Section VI (a)).

A study was performed to evaluate the relation of toxic metals to TSS reduction when candidate BAT technologies were applied to ore mining and dressing wastewater (see Section VII of the development document). EPA determined that removing the toxic metals to be regulated is directly correlated to the removal of TSS. Therefore, suspended solids removal technologies can also be used to remove the toxic metals in this industry. These technologies are discussed as options for all subcategories and subparts. (For a discussion of the individual treatment technologies, see Section VI of this preamble.)

**Option 1: Secondary Settling.** Another settling pond is added in series with any existing ponds required for BPT. EPA estimates that no mines/mills would close as a result of adopting Option 1.

**Option 2: Coagulation/Flocculation.** Chemical coagulating/flocculating aids are added followed by mixing and settling. EPA estimates that no mines/mills would close as a result of adopting Option 2.

**Option 3: Granular Media Filtration.** Granular media, such as sand and anthracite coal, are used to filter out the suspended solids and associated toxic metals. EPA estimates that no mines/mills will close as a result of adopting Option 3.

**Option 4: Zero Discharge/Complete Recycle.** Mill process water is completely recycled and reused (not once-through mine water used as mill process water). This option was analyzed only for the uranium subcategory. EPA recognizes that some treatment of process water may be required before reuse in the process. EPA estimates that one mine/mill employing 160 persons might close as a result of adopting Option 4. This option was considered for froth-flotation mills, but was rejected for technical reasons because of the potential changes in some of the existing metallurgical processes. Therefore, no economic analysis was conducted for existing froth-flotation mills required to go to zero discharge.

**Option 5: BAT Equals BPT.** In-place BPT is used. This option is viable if (1) the candidate BAT treatment

technologies do not appreciably reduce the levels of toxics below levels in BPT. (2) the levels measured were at or below detection levels, (3) the amount and toxicity of the pollutant does not require further control, or (4) BPT specified no discharge.

(b) **BAT Selection and Decision Criteria Subcategories and Subparts Under Option 5.** Option 5 BAT equals BPT, has been selected for iron ore mills in the Mesabi Range; copper, lead, zinc, silver, gold, platinum and molybdenum, mines and mills that use leach to recover copper, mills that use the cyanidation process to recover gold; and mercury mills, since BPT specified zero discharge of process wastewater. Therefore, no additional reduction of toxic pollutants is possible under BAT for these subparts.

Since the application of candidate BAT did not reduce the levels of the toxic pollutants, this option has also been selected for iron ore mine drainage and mill process water (not in the Mesabi Range), aluminum ore mine drainage (there are no mills), titanium ore mine drainage, mills, and dredges, and mercury ore mine drainage. The concentration levels of toxic metals found in effluents from these subcategories and subparts are at or near detection levels or are found at concentrations below the practical limits of additional technology. Consequently, further reduction of these parameters is not technically or economically justified.

However, BPT controlled certain nonconventional pollutants in these subcategories and subparts, including iron and aluminum. BAT for these subcategories and subparts will control these nonconventional pollutants at BPT levels.

**Subcategories and Subparts Under Option 4.** Option 4, no discharge, was considered for process wastewater emanating from uranium mills. Of the 19 operating mills, 18 now achieve zero discharge of process wastewater. The Agency believes that uranium mills should be excluded from BAT regulation under paragraph 8 of the Consent Decree (as discussed in Section VIII of this notice).

**Subcategories and Subparts Under Option 1.** Option 1, secondary settling was considered for copper, lead, zinc, gold, silver, platinum, and molybdenum mine drainage and mill wastewater from froth flotation process, titanium ore mills, and tungsten mine drainage and mill wastewater, but was not chosen.

The effluent limitations considered under this option were derived by the following method: eighteen facilities



throughout the ore mining and dressing industry were identified as using multiple settling ponds; fourteen facilities using coagulation and flocculation; and one facility using granular media filtration. The entire BAT and BPT data base was searched and screened to obtain 17 facilities with data. Of these 17 facilities, 7 were eliminated because the Agency believed that they were not operated properly (e.g., observed short circuiting in the settling ponds) or no raw wastewater data was available to compare with treated effluent.

The facility mean values were ranked for each pollutant from largest to smallest. Since each facility used only one of the candidate BAT treatment technologies, the facility mean also represents a treatment technology mean value. When examining the ranked mean values, EPA observed that mean values for secondary settling were both smaller and larger than those for flocculation and granular media filtration. This variation indicates that the differences between facilities are greater than the differences between treatment technologies. Possibly, differences exist between the true performance capabilities of the treatment technology; however, on the basis of available data, the Agency is unable to discern such differences.

The 10 facilities were then further reduced to six by eliminating facilities whose raw waste contained low pollutant concentrations. Data for a particular pollutant was excluded if the median raw wastewater concentration was less than the average facility effluent concentration of any other facility. Of the six facilities, 5 use secondary settling and one uses granular media filtration. Since the Agency was unable to discern any true difference in the levels achievable by the three technologies (based on available data), it selected the least costly alternative for establishing effluent limitations, secondary settling.

Effluent limitations were derived by using the average of the facility averages for each pollutant to represent the average discharge. The statistical analysis used data from the five facilities using secondary settling (two copper, two lead/zinc, and one silver) that remained following the screening procedures described above. Most of the data were supplied by the industry.

The method used to derive the limitations assumed that within plant effluent concentrations are log normally distributed. The 30-day average maximum and daily maximum effluent limits were determined on the basis of 99-percent percentile estimates. The 30-

day limits were determined on the central limit theorem. (Further explanation is provided in Section X of the development document). The limitations derived from the data analysis for some metals in the subcategories were more stringent than the BPT limitations.

However, because 95 percent of the relevant pollutants are removed by BPT and because of the unique nature of the ore mining industry effluent and other factors, the Agency has determined that nationally applicable regulations based on secondary settling are not warranted. (See section X of the development document.)

Where site specific considerations, including the pH of the receiving stream, so indicate, individual permit writers may impose more stringent limitations.

#### *Control of Asbestos (Chrysotile).*

Direct regulation and indirect regulation through control of TSS were considered for asbestos. The analytical method used to determine the concentration of asbestos is not an approved EPA method and though the method is the most viable one available, there are serious concerns as to its precision and accuracy.

Asbestos (chrysotile) is controlled in BAT by the BPT and BCT effluent limitations on TSS. Individual mines or mills may monitor for asbestos (chrysotile) using the analytical method as defined in Supplement B of the technical development document should they wish to establish that their effluent asbestos (chrysotile) level is less than  $1 \times 10^6$  fibers per liter.

#### *Regulation of Gold Placer Mines.*

Gold placer mines were not regulated under BPT because of insufficient data. The data gathering effort for this rulemaking included two separate studies of existing gold placer mines in Alaska. These studies support effluent limitations on settleable solids as the appropriate and most viable control of pollutants in the wastewater discharges from gold placer mines. However, the actual effluent quality data from existing settling ponds associated with gold placer mines is limited because many mines do not operate settling ponds and many of the remaining mines settling ponds are undersized, filled with sediment, or short circuited. The data from well constructed, operated, and maintained settling ponds is limited to demonstration projects and a few existing settling ponds which may not be truly representative of gold placer mining operations.

Moreover, no economic analysis was performed for the gold placer mining subpart because no data are available,

although several requests for data have been made to that industry.

In the absence of more information regarding the environmental benefits and economic impact of regulating gold placer mines, the placer mining subpart of the copper, lead, zinc, silver, gold, platinum and molybdenum subcategory is reserved in this rulemaking while the Agency solicits additional information on which to base a decision.

### **X. BCT Effluent Limitations**

The 1977 Amendments added Section 304(b)(4) to the Act, establishing BCT for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in Section 304(b)(4)—BOD, TSS, fecal coliform, and pH—and any additional pollutants defined by the Administrator as "conventional." On July 30, 1978, EPA designated oil and grease as conventional pollutants (see 44 FR 44501).

On July 28, 1981, the Fourth Circuit Court of Appeals remanded the regulations establishing the "best conventional technology" (BCT) methodology and directed EPA to conduct an additional cost-effectiveness test and to correct data errors. *American Paper Institute v. EPA*, No. 79-1511. While EPA has not yet promulgated a new BCT methodology, EPA is proposing BCT Limitations for the ore mining and dressing industry. These limits are identical to those for BPT. Since BPT is the minimal level of control required by law, no possible reassessment of BCT pursuant to the Court's remand could result in BCT limitations lower than those proposed today. Accordingly, there is no reason to wait until EPA revises the BCT methodology before proposing these BCT limitations.

### **XI. New Source Performance Standards (NRSPS)**

The basis for new source performance standards (NSPS) under Section 306 of the Act is the application of the best available demonstrated technology (BADT). New facilities have the opportunity to implement the best and most efficient ore mining and milling processes and wastewater technologies. Accordingly, Congress directed EPA to consider the best demonstrated process changes and end-of-pipe treatment technologies capable of reducing pollution to the maximum extent feasible through a standard of performance which includes, "where practicable, a standard permitting no discharge of pollutants."



**(A) NSPS Options**

(1) Option 1: Require achievement of performance standards in each subcategory that are based on the same technology proposed for BAT.

(2) Option 2: Require standards that are based on a complete water recycle system (no discharge of pollutants).

**(B) NSPS Selection and Decision Criteria Subcategories and Subparts Under Option 1**

This proposed rulemaking requires that all facilities in the ore mining and dressing industry achieve performance standards based on the same technology proposed for BAT, except those facilities using froth flotation in the copper, lead, zinc, gold, silver, platinum, and molybdenum subcategory and mills in the uranium subcategory. Option 1 has been selected for iron ore mills in the Mesabi range; copper, lead, zinc, silver, gold, platinum, and molybdenum mills that use leaching to recover copper and the cyanidation process for the recovery of gold; and mercury mills since BAT specifies zero discharge. Option 1 has also been selected for iron ore mine drainage, iron ore mills, aluminum mine drainage, copper, lead, zinc, gold, silver, platinum, and molybdenum mine drainage, titanium mine drainage, dredges and mills, and mercury mine drainage. The concentration levels of toxic metals found in new sources in these subcategories and subparts are expected to be similar to existing sources. Since concentrations of some toxic metals were found at or near detection levels or at concentrations below the practical limits of additional technology, further reduction of these parameters would not be technically or economically justified.

**Subcategories and Subparts Under Option 2**

The Agency proposes that new source copper, lead, zinc, gold, silver, platinum, and molybdenum mills that use froth flotation achieve zero discharge of process wastewater.

For this subpart, EPA considered zero discharge based on recycle for BAT, but rejected it because of the extensive retrofit required at some existing facilities, the cost of retrofitting, and the possible changes required in the process. This concern does not apply to new sources. Recycle, if required to achieve zero discharge, is a demonstrated technology and meets the definition of standard of performance permitting zero discharge of pollutants. New sources have the option to recycle because the metallurgical processes can be adjusted and designed to recycle

process wastewater before the actual construction of the new source. While reagent buildup has been mentioned by industry as a potential problem in extractive metallurgy, no evidence has been submitted to validate this assertion. The Agency will entertain any specific comments containing actual data which may validate the assertion.

The Agency proposes that new source uranium mills achieve zero discharge of process wastewater. For this subpart, EPA considered zero discharge for BAT based on total impoundment and evaporation or recycle and reuse of the mill process water or a combination of these technologies. Because the pollutants detected in the current discharge from this subpart are uniquely related to one point source, the single mill discharging, the uranium mill subpart is excluded from BAT (see section VIII of this preamble).

However, the Agency believes that for new sources a standard of performance must be proposed. Otherwise additional discharges (new sources) could occur that obviously would not be unique to one source. New source mills are anticipated by the Agency and these mills can achieve zero discharge as indicated by the fact that 18 of 19 mills currently achieve no discharge.

EPA estimates that the cost to implement zero discharge for new sources would approximate the cost to implement the technology identified as BPT for the two subparts, therefore, the zero discharge requirement should not impede construction of new facilities. (See section IX of the development document).

**XII. Best Management Practices**

As described in sections I and II, section 304(e) of the Act authorizes the Administrator to publish regulations to control discharges of significant amounts of toxic pollutants under section 307 or hazardous substances under section 311 to avoid activities that the Administrator determines are associated with or ancillary to industrial manufacturing or treatment process.

Section 402(a)(1) of the Act allows the Administrator to prescribe conditions in a permit determined necessary to carry out the provisions of the Act. BMPs are one such condition. The discharges to be controlled by BMPs are plant site runoff, spillage or leaks, sludge or waste disposal and drainage from raw material storage.

EPA intends to develop BMPs that are (1) applicable to all industrial sites, (2) applicable to a designated industrial category, or (3) capable of guiding permit authorities in establishing BMPs

required by unique circumstances of a given plant.

The ore mining and dressing industry has numerous problem areas, including storm water runoff, groundwater infiltration, and seepage. Section XIII of the development document addresses possible BMP approaches and can guide the permitting agency in developing case-by-case BMP requirements for NPDES permits. The following paragraphs contain a brief description of some possible BMP approaches.

Minimizing the volume of water contaminated in a mine is desirable because the mass of pollutants to be treated is less. Diversion of water around a mine site to prevent its contact with possible pollution-forming materials is an effective and widely applied control technique. For example, settling ponds should be designed with adequate drainage and storm water diversion around the pond.

Regrading or recontouring of some types of surface mines, and surface waste piles can be used to modify surface runoff, decrease erosion, and prevent infiltration of water into the mine area.

Mine-sealing techniques are more frequently applied to inactive or abandoned mines. Internal sealing by placing barriers within an underground mine can be used in an active mine. However, this practice must be applied with caution. The barriers must be carefully designed so as to prevent inundation of the working areas.

Most of the metal-ore mines examined in this report practice some measure of mine drainage control, including regulated pumping of mine drainages and the use of mine drainage as intake mill process water. Use of mine water as makeup water in mill circuits is a desirable management practice and is widely implemented in this industry.

In some situations, operators must prevent or control seepage of toxic substances into groundwater supplies. Prevention of seepage from impoundment systems can be achieved by the use of liners. Pond liners fall into two general categories: natural (clay or treated clay) and synthetic (commonly polyvinyl chloride (PVC), polyethylene (PE), chlorinated polyethylene (CPE), or Hypalon). Other materials that can be used as pond liners are compacted earth, waste tailings, concrete, shotcrete, rock or brick. See section VIII of the Development Document.

**XIII. Variances and Modifications**

After the final regulations are promulgated, the effluent limitations must be incorporated in all new or



renewed NPDES permits issued to direct dischargers in this industrial category, and also in those permits that have been issued with a reopener clause.

The BAT, BPT and BCT effluent limitations are subject to EPA's "fundamentally different factors" variance. See *E. I. du Pont de Nemours and Co. v. Train*, 430 U.S. 1112 (1977); *EPA v. National Crushed Stone Association*, 101 S. Ct. 295 (1980) *Weyerhaeuser Co. v. Costle*, supra. This variance recognizes factors concerning a particular discharger that are fundamentally different from the factors considered in this rulemaking. Although this variance clause was set forth in EPA's 1973-1976 industry regulations, it will now be included only by reference in the ore mining and dressing and other industry regulations. (See 40 CFR 125.30-.32, for the text and explanation of the "fundamentally different factors" variance.)

In addition, BAT limitations for nonconventional pollutants are subject to modifications under sections 301(c) and 301(g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants. According to section 301(j)(1)(B), applications for these modifications must be filed within 270 days after promulgation of final effluent limitations guidelines. (See 43 FR 40859 September 13, 1978).

NSPS is not subject to modification through EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. (See *du Pont vs. Train*, supra).

After reviewing MSHA and Army Corps of Engineers regulations, design guidelines, and holding discussions with representatives of the appropriate Federal regulatory agencies (Department of Labor, Department of Interior, Department of Defense), EPA is confident that the impoundment facilities needed to comply with the regulations proposed in this notice are reasonable, and that no additional danger will result from their implementation. If evidence is submitted to the Agency that indicates that facilities would have to construct a structure which would violate safety standards set out by a State or Federal agency, EPA will consider granting a variance. The Agency does not expect the construction of impoundment facilities would result in violation of State or Federal safety standards. However, if an operation submits to the permitting authority evidence to the contrary, a variance from the national effluent limitations may be considered through the "fundamentally different factors" variance. Under no circumstances will an owner or operator

be required to violate applicable safety standards to meet these requirements. If more than isolated instances occur, EPA will consider amending this regulation. However, the State and Federal authorities with whom EPA has consulted on this matter uniformly have concluded that safety issues should arise infrequently, if at all.

#### XIV. Upset and Bypass Provisions

An issue of recurrent concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations during periods of "upset" or "bypass." An upset, sometimes called an "excursion," is unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee. Some argue that an upset provision in EPA's effluent limitations guidelines is necessary because such upsets will inevitably occur because of the limitations, even in properly operated control equipment. Because technology-based limitations require only what technology can achieve, some claim that liability for such situations is improper. When confronted with this issue, courts have disagreed on the question of whether an explicit upset or excursion exemption is necessary, or whether upset or excursion incidents may be handled through EPA's exercise of enforcement discretion.

While an upset is an unintentional episode during which effluent limits are exceeded, a bypass is an act of intentional noncompliance during which waste treatment facilities are circumvented in emergency situations. Bypass provisions have in the past been included in NPDES permits.

EPA has determined that both explicit upset and bypass provisions should be included in NPDES permits and has promulgated NPDES regulations that include upset and bypass permit provisions (see 45 FR 33448, 122.60 (g) and (h) (May 19, 1980)). The upset provision establishes an upset as an affirmative defense if an operation is prosecuted for violating a technology-based effluent limitation. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage.

The Agency has received several inquiries on the relation between the general upset and bypass provisions set forth in the consolidated permit regulations and the storm exemption contained in the BPT regulations for ore mining and dressing. The storm exemption discussed in Section VII of this preamble supersedes the generic upset and bypass provisions with respect to precipitation events; that is,

an operator wishing to obtain relief from BAT limitations and NSPS during precipitation events must comply with the prerequisites of the rainfall exemption provision. However, the upset and bypass provisions are available in all other applicable situations.

#### XV. Non-Water-Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may aggravate other environmental problems. Therefore, section 304(b) and 306 of the Act require EPA to consider the non-water-quality environmental impacts (including energy requirements) of certain regulations. In compliance with these provisions, EPA has considered the effect of these regulations on air pollution, solid waste generation, land requirements, and energy consumption. This proposal was circulated to and reviewed by EPA personnel responsible for non-water-quality environmental programs. While balancing pollution problems against each other and against energy use is difficult, EPA is proposing a regulation that it believes best serves competing national goals.

The following are the non-water-quality environmental impacts associated with proposed regulation.

##### Air Pollution

Imposition of BAT and BCT limitations and NSPS will not create any additional air pollution problems.

##### Solid Waste Generation

Some of the solid waste production associated with the ore mining and dressing industry is generated by treatment systems installed primarily to treat wastewater. For subcategories in which the Agency has concluded that BAT limitations are equal to those under BPT, BAT standards add no additional solid waste. In those subparts for which NSPS is more stringent than BPT, the increase in solid waste generated should not be greater than one percent.

In addition, section 7 of the Solid Waste Disposal Act Amendments of 1980 has exempted under Subtitle C of the RCRA solid waste from the extraction, beneficiation, and processing of ores and minerals. This exemption will remain in effect until at least six months after the Administrator submits a study on the adverse environmental effects of solid waste from mining. The study is required to be submitted by October 21, 1983 (see 42 U.S.C. 6982).



### Land Requirements

As a general rule, imposition of BAT, BCT, and NSPS standards is not expected to create any significant adverse impacts on land requirements beyond those associated with BPT standards.

### Energy Consumption

Achievement of BAT and BCT limitations and NSPS will not result in a significant net increase in energy requirements. The main use of energy is for pumping, mixing, and control instrumentation. Wherever feasible, gravity flow is used in treatment facilities for mine drainage and mill process wastewater.

### XVI. Costs And Economic Impact

Executive Order 12291 requires that EPA and other agencies perform Regulatory Impact Analyses of major regulations. The three conditions that determine whether a regulation is classified as major are:

- An annual effect on the economy of \$100 million or more or;
- A major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

EPA estimates that compliance with these regulations (BAT, BCT, NSPS) for all subcategories will impose no additional cost burden on industry.

EPA believes that this regulation will have no impact on prices and no significant effects on competition, employment, investment, productivity, innovation or the balance of payments. Therefore, EPA believes that this does not constitute a major regulation.

Nonetheless EPA conducted a detailed economic impact analysis on all portions of the industry except small tungsten mines and mills and gold placer mines. This analysis was conducted using financial data supplied by industry on a confidential basis. The analysis used discounted cash flow techniques to estimate a net present value for each facility. Only one uranium mill was projected to close with the application of any of the technologies under consideration. Because this rule imposes no significant cost and therefore no economic impact on any portion of the industry included in the economic analysis, and because of concerns about the sensitive nature of

the confidential information supplied by industry, EPA is not publishing this analyses.

*Regulatory Flexibility Analysis:* Pub. L. 96-354 requires that EPA prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis must:

- Describe the reasons, objectives, and legal basis for the proposed rule;
- Describe, and where feasible, estimate the number of small entities affected by the proposed rule;
- Describe the reporting, recordkeeping, and other compliance requirements;
- Identify any Federal rules that may duplicate, overlap, or conflict with the proposed rule;
- Describe any significant alternatives that would accomplish the stated objectives, and summarize any significant economic impacts of the proposed rules on small entities.

Many of the provisions of the Initial Regulatory Flexibility Analysis have been addressed in detail in other sections of this preamble. Sections I, IIA, and III discuss the legal authority and objectives of the proposed rules. Sections XVIII and XIX discuss the public participation procedures. Section XVII discusses the reporting requirements. The Agency is not aware of any other Federal rules that may overlap or conflict with this proposed rule.

Therefore there can be no significant impact on a substantial number of small entities.

### RCRA Costs

On May 19, 1980, EPA promulgated Interim Status Standards (ISS) for handling and disposal of hazardous wastes under the Resource Conservation and Recovery Act (RCRA) (see 45 FR 33066). As a part of assessing the economic impact of the BAT and BCT limitations and NSPS on an industry, EPA includes the cost of waste disposal based on current practices that may not comply with the RCRA-ISS. Solid waste from the extraction, beneficiation, and processing of ores is now excluded from regulation under Subtitle C of RCRA. Such waste may not be regulated under Subtitle C until at least six months after the Administrator submits a study on the adverse effects of solid wastes from mining. The study must be submitted by October 21, 1983 (see 42 U.S.C. 6982). To predict what regulations, if any, may be applied to the ore mining industry under RCRA Subtitle C is not possible. Therefore, the Agency has not projected any costs for

RCRA ISS compliance in its economic impact analysis.

### XVII. Relation to NPDES Permits

The BAT and BCT limitations and NSPS in this regulation will be applied to individual ore mines and mills through NPDES permits issued by EPA or approved State agencies, under section 401 of the Act. Immediately after promulgation of final regulations, the effluent limitations must be incorporated in all Federal NPDES permits issued to ore mining and dressing direct dischargers. Permits issued by States with NPDES authority must have limitations as stringent as those proposed in this regulation. However, State-issued NPDES permits may contain, as determined by each State permit issuing authority, limitations that are more stringent than those proposed today.

If this regulation does not control a particular pollutant, the permit issuer is not precluded from limiting such a pollutant on a case-by-case basis when necessary to carry out the purposes of the Act. In addition, to the extent that State water quality standards or other provisions of State or Federal law require limitation of pollutants not covered by this regulation (or require more stringent limitations on covered pollutants), such limitations can be applied by the permit-issuing authority.

With respect to monitoring requirements, the Agency intends to establish a regulation requiring permittees to conduct additional monitoring when they violate permit limitations. The provisions of such monitoring requirements will be specific for each permittee and may include analysis for some or all of the toxic pollutants or the use of biomonitoring techniques. The additional monitoring is designed to determine the cause of the violation, necessary corrective measures, and the identity and quantity of toxic pollutants discharged. The permit-issuing authority will evaluate each violation on a case-by-case basis. (For more discussion of this requirement, see 45 FR 33290 (May 19, 1980)).

One additional topic that warrants discussion is the operation of EPA's NPDES enforcement program, many aspects of which have been considered in developing this regulation. The Agency emphasizes that, although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion. EPA has exercised and intends to exercise this discretion in a manner that recognizes and promotes good faith compliance



efforts and conserves enforcement resources for those who fail to make good faith efforts to comply with the Act.

### XVIII. Summary of Public Participation

Before publication of this notice, EPA distributed a contractor's draft technical document to Federal agencies, all State and territorial pollution control agencies, industry trade associations (including the American Mining Congress and American Iron Ore Association), and conservation organizations, including the Natural Resources Defense Council. Comments on that report were solicited. The major comments and the Agency's responses are set forth below.

The following groups responded to the request for written comments contained in the letter of transmittal sent along with the contractor's draft technical document: American Mining Congress, Bunker Hill Company, Natural Resources Defense Council, Inc., Prather, Seeger, Doolittle, and Farmer, St. Joe Minerals Corporation, Trustees for Alaska, U.S. Department of Interior—Bureau of Mines, U.S. Department of Labor, USEPA—Environmental Research Laboratory (Athens, GA), Walter C. McCrone Associates, Inc., White Pine Copper Division.

**Comment:** One commenter expressed concern that the 1976 costs presented in the contractor's draft were outdated and did not reflect variability on a regional basis. One commenter stated that the cost assumptions and factors used were not documented properly and further, that the treatment costs could not be evaluated because the parameters and levels chosen for regulation were not known. One commenter stated that monitoring costs should be further supported and another stated that waste disposal costs might be too low if the wastes were defined under RCRA as "hazardous."

**Response:** At the time the contractor's draft was forwarded for comment, the Agency was revising costs to reflect a December 1979 data base. Each facility's potential treatment costs were evaluated several options for control and treatment. These updated and revised costs are summarized in the development document which outlines the technical analysis used to develop this proposed rulemaking. These updated facility-by-facility costs were used by the economic assessment contractor. Actual costs for reagents, energy, land, waste disposal, chemical analysis, etc. were solicited from the industry, and factors were used that represented the reported range of costs

incurred in 1979 dollars. Although the entire cost calculations for each facility were not presented in the contractor's report, the system definitions, cost factors and assumptions used, and references sources were included. In this way, a comparison of an individual facility's costs to those stated could be made. At the time the contractor's draft was prepared, the Agency had not selected parameters to be regulated or effluent limitations. However, potential technologies for implementing BAT were identified in the contractor's draft. These treatment technologies were sized and costed on the basis of typical (or range of) flow rates encountered and influent expected from BPT treatment systems.

With respect to solid wastes resulting from mining activities and associated treatment, EPA had not issued any standards or guidelines against which solid waste disposal costs could be compared when the draft was issued. Of importance now is that at present, solid waste from the extraction, beneficiation, and processing of ores and minerals is excluded from regulation under Subtitle C of RCRA (see 42 U.S.C. 6921(b)(3)(A)(ii); 45 FR 76618 (November 19, 1980) and Section XVI of this preamble).

**Comment:** A number of commenters expressed concern about the analytical and sampling procedures used during the screening and verification phases of the study. Some commented that grab or short-term composite samples do not properly assess the impact of seasonal or annual variations. One commenter stated that the reliability of cyanide analysis is questionable. One commenter stated that no health basis exists for removing asbestiform fibers from water, therefore there is no reason to regulate asbestos, and also, that the definition of asbestos is confusing.

**Response:** The analytical methods and procedures used during screening and verification—including collection and transportation of samples—are outlined in Appendix III of *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants* (USEPA-EMSL). The analytical procedures and sampling methods used are also outlined in the development document which accompanies this rulemaking and are summarized in Section IV(a) of this preamble. In addition, the Effluent Guidelines Division has sponsored numerous technical seminars during the past three years to which industry representatives, technical contractors, EPA laboratory personnel, and interested persons were invited. Problems with analytical procedure,

data variability, suggestions for improvement, and results obtained were discussed at each of these meetings. EPA does not rely on one-time sampling as its data base for pollutants that it chooses to regulate. Rather, the data obtained during screening and verification are supplemented by long-term monitoring data, NPDES monitoring reports, company data, pilot scale studies, and data available from other studies.

With respect to cyanide analysis, EPA recognized the variability of results being obtained by commercial and industrial laboratories and commissioned an in-depth review of the analytical method and results obtained as discussed in Section IX of this preamble. The guidelines proposed here reflect the results of that in-depth study.

"Asbestos" was not defined in the EPA-NRDC Consent Decree, and consequently EPA had to develop a working definition for this pollutant. The Agency had to choose a particular mineral form of asbestos from the many varieties so that screening could be performed. The Agency chose chrysotile because of: (1) its known toxicity as the result of respiration of the particles; (2) its industrial prevalence (over 90 percent of all commercial asbestos is chrysotile); (3) its distinctive selected area diffraction pattern. Asbestos was included in the Agency's review of BAT because the Act requires the Agency to limit the discharge of pollutants identified as toxic unless the pollutant can be excluded by the criteria discussed in Section VIII of this notice.

**Comment:** In various places in the draft technical document, detection levels for particular pollutants are reported at different levels.

**Response:** The data presented reflect the actual data reported from different laboratories or the detection levels obtained by the laboratories at the time of analysis. Slight differences may occur with analytical instrumentation from day to day or week to week, thus accounting for these differing values reported as "less than."

**Comment:** One commenter stated that improvements in ore processing technology were overlooked in the document and cited those technologies. The commenter stated that no wastewater samples were obtained from Arizona copper producers. In addition, the commenter stated that improvements in uranium processing technology were also overlooked in the development document.

**Response:** The "new" process technology cited by the commenter is described in the development document



supporting this proposed regulation and is taken into account in selecting BAT. In any event, the subpart in which the facilities are classified is subject to zero discharge requirements under the BPT guidelines. No wastewater samples were or could be obtained from Arizona copper operations achieving zero discharge. Similarly, the uranium processing technology is noted in the development document. Uranium mills would be subject to zero discharge under NSPS.

Comment: One commenter stated that the industry data base (Section III of the draft technical document) should be updated, since some of the data are from 1976.

Response: Much of the data in the contractor's draft are from 1976; some are also as recent as 1977, 1978, and 1979. Much of the data on the industry had to be gathered from individual companies under Section 308 authority and was not submitted voluntarily. In addition, industry-wide statistics had not been issued at that time. For example, recently the U.S. Government Printing Office released the 1977 *Minerals Yearbook*. A continuous effort to update the development document and the industry profile has been made and, to the degree that Agency resources permit, will be made as information becomes available to the Agency.

Comment: Two commenters stated that closer consideration should be given to recycling mine water rather than treatment and discharge. One commenter was particularly concerned about recycling process water at gold placer mining operations as an option.

Response: There are few uses of water in underground or open pit mining. Mine water can usually be "reused" in limited amounts for dust control, drilling fluid, cooling or sluicing of sand backfill. Mine water must be removed from mines so that ore extraction may be carried on and for safety considerations. Therefore, recycle of water back into a mine, except for small volumes, is impractical. At many facilities, mine water is "reused" as mill process water or makeup water. This regulation encourages such practice. In such cases, the wastewater is subject to mill limitations as discussed in Section VII(B) of this preamble.

A few placer mines may be able to recycle water for use in sluicing sediments containing minerals to be extracted. However, for gold placer deposits in rural areas of Alaska, electric power is not available to run recycle pumps, and the costs and energy requirements are prohibitive.

Comment: One commenter claimed that the control of mine wastewater was

not adequately addressed in the draft document.

Response: The entire mining portion of the industry is profiled in the development document supporting this regulation with data presented on flow, production, status, product, type of mine, etc. The tables in the development document summarize the data gathered as part of the industry data base. Detailed data for cost estimates are summarized in the cost section of the report. In addition, at every mine visited that had wastewater flow, EPA performed separate sampling and characterization. These data were then evaluated with historical data on mine water. Mining and milling operations are often located together, and discharges are commingled and treated in a common treatment system. The most important factor considered with respect to mine water is whether any differences were noted that would significantly affect the quality of wastewater discharged after BAT treatment. The regulation proposed here lists separate limitations for mine and mill wastewater.

Comment: One commenter expressed concern about disposal of hazardous waste at uranium facilities.

Response: The standards proposed under NSPS will result in zero discharge of process water for new uranium mills. For the mines, no additional total suspended solids are removed compared with the volumes that are removed under BPT limitations.

Comment: One commenter charged that the EPA method of asbestos analysis was faulty because it required extensive dilution of raw wastewater samples and that no attempts were made to identify through mineralogy whether serpentine (chrysotile) was present. In the commenters opinion, asbestos determinations from samples with the high solids concentrations typical in this industry are not quantitative.

Response: While extensive dilution of "raw" wastewater samples is often necessary, extensive dilution is not normally required for samples of treated wastewater that achieve the BPT total suspended solids daily limitation of 30 mg/l. Since effluent level(s) are of primary interest in this BAT rulemaking, the analytical method is considered adequate to evaluate whether substantial discharges of this parameter exist. A detailed determination of the presence of asbestiform fibers in the ore itself would be time-consuming and expensive. The Agency undertook this study in the same manner as it screened other parameters. Many sources other than the ore itself which may contribute

small "asbestos" fibers to the wastewater, including cement-asbestos pipe, spray-on or other types of insulation, seals or gaskets, etc. These sources are common in this industry.

Comment: Several commenters stated that guidelines for operations that combine mine, mill, smelter, and refinery wastewater should be developed on a case-by-case basis.

Response: The Agency considered this alternative and during the BAT investigation, EPA gathered additional data on three facilities that are known to have combined wastewater treatment that included smelter and/or refinery wastewater in addition to mine and/or mill wastewater. These facilities are: White Pine Copper Division, Copper Range Co., White Pine, Michigan; Kennecott Copper Corp., Utah Copper Division (treatment plant effluent only), Salt Lake City, Utah; and Bunker Hill Co., Kellogg, Idaho. A separate report has been prepared on each facility to be used as guidance documents by the regional permitting authority in issuing NPDES permits. In effect, each facility will be given effluent limitations that will take into account BAT mine and mill guidelines, smelter and refinery guidelines, treatability of waste streams, and any special circumstances that may result from the combining waste streams.

Comment: One commenter stated that pH values above 9.0 may be required to insure adequate removal of certain heavy metals.

Response: A pH above 9.0 may be necessary to achieve desired treatment levels for certain toxic metals at selected facilities. Subpart M of these regulations (General Provisions) allows a small excursion from an effluent value of pH from 6 to 9 to meet other limitations. In these cases, the pH of the final effluent may be under or over the range stipulated if evidence is submitted to the permitting authority demonstrating that this provision will not result in degradation of water quality in the receiving stream or toxic conditions for its biota.

Comment: One commenter stated that the report gave inadequate consideration to controlling the seepage that occurs at uranium mill tailing impoundments and other ore facilities (the commenter defined seepage as a point source discharge, but urged control of seepage as a BMP).

Response: EPA is aware that seepage from uranium tailings impoundments has posed serious threats to groundwater and, in some cases, may possibly affect surface waters. However, the Agency notes that the Uranium Mill



Tailings Radiation Control Act of 1978, as amended 42 U.S.C. 2021(o), 2022, 2113, 2114, 2201(x), 7901-7942 ("UMTRCA") provides comprehensive and direct authority to remedy this problem. UMTRCA establishes a program to (1) regulate mill tailings during uranium or thorium ore processing at active and inactive uranium mill operations, (2) stabilize and control tailings in a safe and environmentally sound manner, and (3) minimize or eliminate radiation health hazards to the public. Title I of UMTRCA establishes a remedial action program to clean up inactive uranium mill tailings sites, to be carried out by the Secretary of Energy (42 U.S.C. 7911-7925). Title II expands the authority of the Nuclear Regulatory Commission (NRC) to establish standards concerning uranium mill tailings in licenses issued under the Atomic Energy Act of 1954. Title II also directs the Administrator to promulgate, within one year after enactment, standards of general application for the protection of public health and safety and the environment from radiological and nonradiological hazards associated with inactive mill tailings sites (42 U.S.C. 2022(a)). These general standards would be the basis for the Secretary of Energy's remedial actions at individual inactive sites. The Administrator is also directed, within eighteen months after enactment, to establish general standards to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the possession, transfer and disposal of "by-product material" (including uranium mill tailings) at active uranium mill sites (42 U.S.C. 2022(b)). These standards are to be implemented and enforced by the NRC and the States (42 U.S.C. 2022(d)).

EPA expects to propose general standards for inactive uranium sites within the next several months and for active sites within several months thereafter. These standards will, among other things, address the problems of seepage from uranium mill tailings impoundments.

Moreover, shortly after promulgation of UMTRCA, the NRC embarked on a rulemaking, partly in response to a petition filed by the Natural Resources Defense Council (NRDC), to address the potential environmental impacts of uranium mill tailings. On rules and a draft generic environmental impact statement, the NRC promulgated final regulations. 45 FR 85521 (amending 40 CFR Part 40). These regulations establish a number of technical criteria that operators of uranium mill tailings

facilities must meet. The regulations require measures "to reduce seepage of toxic materials into groundwater to the maximum extent reasonably achievable" 45 FR at 85534, 40 CFR Part 40, Appendix A. In addition, unpreventable seepage may not cause a deterioration of existing groundwater supplies "from their current or potential uses." (Id). The regulations state that several technologies should be considered in achieving these goals, including the installation of low permeability liners, maximum recycle, conservation of process water, dewatering of tailings and other measures. The NRC will ensure that these regulations remain compatible with the general standards to be promulgated by EPA under UMTRCA (45 FR 85530). In fact, the staffs of the two agencies have coordinated, and will continue to coordinate, their efforts in this area.

In any event, Congress has created through UMTRCA comprehensive approach to ameliorating the environmental impacts of uranium mill tailings disposal and has provided a vehicle for participation and coordination among Federal agencies with jurisdiction in this area. Accordingly, EPA believes it appropriate to continue to address the problem of seepage from uranium mill tailings impoundments through UMTRCA, rather than through the Clean Water Act.

Moreover, the Agency does not propose to regulate seepage from impoundments at ore mines and mills other than those extracting uranium. The extent to which such seepage adversely affects navigable waters (as opposed to groundwater) is highly problematic. Frequently, even when seepage reaches navigable waters, it does not constitute a point source discharge—a "discernible, confined and discrete conveyance"—and is therefore not subject to effluent limitations. In such cases, BMP's might be imposed under section 304(e) of the Act (see Section XII of this preamble). However, section 304(e) of the Act authorizes the promulgation of BMP's only when the Administrator finds them necessary to prevent "significant amounts" of toxic pollutants from reaching navigable waters on a national scale. At this time, the Agency does not possess information indicating that seepage from non-uranium tailings impoundments or lagoons contributes significant amounts of toxic pollutants to the navigable waters on a national scale. For these reasons, the Agency does not propose at this time to establish national

regulations covering seepage from settling ponds and tailings impoundments in this industry. Of course, permit writing authorities retain the authority under section 402(a)(1) of the Act to require control of seepage when necessary on a case-by-case basis.

**Comment:** One commenter argued that the effluent from a mine and a mill producing and processing ores with "high, and approximately equal, percentages of lead and zinc has a very different content from that of mines and mills processing ores with either a high lead or zinc content but not both." This commenter therefore urged that a separate subcategory be established for mines and mills whose ores have "high, and approximately equal, percentages of lead and zinc."

**Response:** After the promulgation of BPT regulations, and concurrent with the filing of its brief in the BPT litigation, this commenter filed a petition for reconsideration with the Agency, in which the commenter argued that facilities processing ores with a high ratio of zinc to lead should be subcategorized separately. The agency investigated that claim, found it to be without merit, and denied the petition for reconsideration. A second petition was then filed with EPA, in which the commenter made the claim (for the first time) repeated here—that ores with high concentrations of both zinc and lead warrant separate subcategorization. Since the BPT litigation, the Agency's contractor has revisited this facility, sampled and analyzed its wastewater, and performed treatability studies on its waste streams. These investigations (discussed in Section VIII of the development document) reconfirm the Agency's earlier conclusions that this plant's waste stream is similar to other effluents in the proposed subcategory and that, with proper pH control, application of BAT technology will achieve the proposed effluent limitations at this facility. At a meeting in January 1980, Agency counsel invited this commenter to submit new information and data to support the claim. The commenter has not done so. Accordingly, the Agency sees no need or justification to create a separate subcategory for mines and mills processing ores with high concentrations of lead and zinc.

**Comment:** One commenter asked whether replicate samples were taken during the screening and verification sampling program. This commenter also requested information on the holding times associated with the samples collected.



**Response:** EPA did not collect replicate samples, but each facility where sampling was conducted was invited to participate in the program by using split samples. Many facilities accepted this invitation, and these split samples are included in the Agency's data base. Holding times for the samples were kept to a minimum in all cases, allowing for the remote location of many mines and mills in relation to commercial airports and analytical laboratories.

**Comment:** One commenter objected to the subcategorization scheme, stating that it was the same as the scheme used for BPT and cited the numerous differences from facility to facility in ore mineralogy and other factors that exist in this industry. This commenter did not propose a subcategorization scheme other than to suggest that effluent limitations should be established on a plant-by-plant basis.

**Response:** The commenter has provided no information that would warrant altering the basic BPT subcategorization scheme now used, which was upheld by the Tenth Circuit (see section V of this notice). Plant-by-plant limitations are impracticable and inconsistent with the goal of the Clean Water Act.

**Comment:** One commenter stated that he could not comment on the information in the draft document until numerical effluent limitations are proposed and he knows "to what use the data will be put."

**Response:** The purpose of circulating the technical document in draft form was to give the regulated community and other interested groups an opportunity to review the Agency's data base and methodology as early in the regulatory process as feasible so that errors could be corrected and improvements made.

**Comment:** One commenter submitted data and a report on the presence of asbestos in his wastewater discharge. The data showed that the asbestos reported by EPA's technical contractor was not chrysotile, but was in fact diatoms. The commenter stated the EPA data were wrong and that in the commenter's analysis of the wastewater, no asbestos fibers of any kind, including chrysotile, were found.

**Response:** First, the samples from the EPA study and the commenter's study were collected over two years apart and only one of the commenter's sampling sites corresponds directly with the EPA sampling site. Also, the preparation of the sample before analysis was different. The commenter stated that the entire sample volume was filtered as compared with the 10 ml sample and 40

ml blank diluent that was filtered by the EPA contractor. For the common EPA and commenter's sampling site, assuming TSS levels are approximately equal in the samples taken two years apart, the loading on the filter used by the commenter before his analysis would be over ten times the maximum loading recommended and over 500 times the optimal loading recommended in the EPA sampling and analysis method. One explanation for the difference is that preferential settling of the denser particles might have occurred in the commenter's sample during filtering. The less dense debris would cover the denser particles on the filter, causing the denser mineral material to be missed during scanning electron microscopy, which looks only at the surface.

Second, the EPA procedure requires the use of Transmission Electron Microscope (TEM) analysis and the commenter's study used the Scanning Electron Microscope (SEM) analysis. EPA does not use the SEM method because of the high probability of missing smaller asbestos fibers. The emphasis of the commenter's report is on larger fibers (fibers greater than 1 micron in length). The EPA study reported asbestos fibers in the commenter's wastewater discharge of 0.3 to 0.4 microns in length. In fact, the majority of fiber sizes reported by EPA are less than 1.0 micron in length and typically 0.025 to 0.2 microns in width, while the diatoms reported by the commenter are approximately 5 to 10 microns in length and 2 microns in width. The EPA data is based on what the commenter terms "negligible fibers", possibly because the SEM is not a powerful enough tool to identify them. Also, low fiber counts have been attributed to letting a sample sit for a period of time before analysis; the commenter did not mention the age of the samples. The size of the particles reported by EPA and by the commenter indicates that the particles referenced in the two reports are different and not the same particles misidentified.

Regardless, the EPA data do show the fibers claimed, i.e. chrysotile. After receiving the report submitted by the commenter, the Agency had the technical contractor do a qualitative analysis of a portion of the original samples and again found chrysotile asbestos fibers.

Also, additional wastewater samples were obtained in July 1981 from the mine and mill that questioned whether asbestos was present in their discharge, and these samples were analyzed by a second laboratory who confirmed the presence of chrysotile. This laboratory

not only confirmed the presence of chrysotile by use of the TEM and the selected area electron diffraction pattern to identify the crystalline structure of the fiber, but also confirmed that the fibers are chrysotile by employing a combined scanning and transmission electron microscope with an energy dispersive X-ray microprobe (EDX) attachment. The chemical composition was determined with the microprobe which confirmed the elemental composition which is primarily magnesium and silicon oxides.

## XIX. Solicitation Of Comments

The regulations as proposed here are supported by: *Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Ore Mining and Dressing Point Source Category.*

EPA encourages public participation in this rulemaking. The Agency asks that any deficiencies in the BAT record of this proposal be pointed to with specificity and that suggested revisions or corrections be supported by data.

EPA is particularly interested in receiving comments and data on the following issues:

(1) The Agency is reviewing the sampling and analytical methods used to determine the presence and magnitude of toxic pollutants and solicits comments on the data produced by these methods, as well as the methods themselves. Guidelines establishing test procedures for analyzing pollutants were proposed in 44 FR 69463 (December 3, 1979), amended, 44 FR 75028 (December 18, 1979).

(2) *The Preliminary Interim Procedure for Fibrous Asbestos*, EPA 600/4-80-005, PB-80-152879, may be used as the method for analyzing chrysotile asbestos. The method appears in Appendix B of the development document. The Agency solicits comments on the use of this method as the designated method for asbestos determinations.

(3) EPA recognizes the limits of available data and the expense of monitoring for certain toxic pollutants. Therefore, EPA proposes to control these toxic pollutants through the limitations on other pollutants. The data indicate that when concentrations of certain traditional pollutants are reduced, concentrations of toxic pollutants are also reduced. Control of the traditional pollutant would insure control of toxics with similar physical and chemical properties that respond to similar treatment mechanisms. This



method of toxics regulation could obviate the difficulties, high costs, and delays of monitoring and analysis that could result from direct limitations of certain toxic pollutants. Specifically, EPA is proposing limitations on TSS to control chrysotile asbestos (see section VIII of this preamble). TSS limitations would be based on TSS concentrations achievable with technologies identified as BPT, BCT, and NSPS. Also, EPA believes that arsenic and nickel are adequately controlled by the incidental removal associated with the control and removal of copper, lead, mercury, and zinc found in the discharges from this industry (see section VIII of this preamble). EPA requests comments on limitations of indicator pollutants as an alternative to direct limitations on the toxic pollutants.

(4) EPA has obtained from the industry a substantial data base for the control and treatment technologies that form the basis for the proposed regulation. Plants that have not submitted data, or that have compiled more recent data than that already submitted, are requested to forward these data to EPA. These data should be individual data points, not averages or other summary data, including flow, production, and all pollutant parameters for which analyses were run. Please submit any qualification to the data, such as descriptions of facility design, operating procedures, and upset problems during specified periods.

EPA specifically requests any comments, data, or information pertaining to the technical or economic feasibility of the following issues as they apply to existing sources:

(1) Comments are requested on the approach proposed here for the precipitation relief. A substantial number of proposals and modifications have been made in this area, and the Agency invites substantive comments.

(2) Industry and other sources are invited to submit any data from pilot or commercial studies of flocculant addition, secondary settling, or granular-media filtration, particularly on their effectiveness in controlling toxic metals. Although the Agency has conducted a variety of treatability studies to address these technologies, EPA invites the submission of results from additional studies representing the diverse characteristics of raw wastewaters present in the ore mining and dressing industry.

(3) The Agency has completed an extensive effort to establish realistic costs for treatment technologies being considered, including verification of cost estimates at specific mines and mills where site-specific data have been

collected. However, the Agency is aware that many approaches to cost estimation are available and invites commenters to present alternative cost methodologies. To perform a meaningful comparison between these alternatives and EPA's approach, commenters are requested to supply detailed information on salient design and operating characteristics; actual installed costs for each unit treatment operation or piece of equipment, the date of installation and the amount of installation labor provided by facility personnel; the actual cost of operation, maintenance, amortization; and other annual cost factors, including energy use, land, raw material, and labor requirements. Commenters should supply this information on an itemized basis with necessary supporting information to permit a meaningful evaluation of the alternative. The Agency specifically requests information from gold placer mine operations on these items.

(4) Both BAT and MSPS for gold placer mines are reserved in this rulemaking. EPA has been unable to acquire detailed, factual information that would enable the Agency to perform a cash flow analysis for gold placer mine operations and small tungsten mine operations. The Agency seeks individual replies. Replies will be treated as confidential, if so requested, at the time they are submitted.

EPA has conducted two separate studies of gold placer mines as part of the review of BAT and has reviewed additional studies performed by State and Federal agencies. This data indicates that limitations on settleable solids are the most appropriate and viable control for wastewater discharges from gold placer mines. However, the data on discharges from well constructed, operated, and maintained settling ponds associated with gold placer mines are limited because many of the mines do not operate settling ponds or the ponds were filled with sediment or the flow was short circuited through the pond. The Agency seeks additional data on the effluent from settling ponds associated with gold placer mines to augment the present data base and here asks for data from individual mines, miners associations and agencies. Specifically the Agency would like data on discharges during the forthcoming 1982 mining season in Alaska.

#### XX. Small Business Administration (SBA) Financial Assistance

Two SBA programs might be important sources of financing for the ore mining and dressing industry: SBA's Economic Injury Loan Program and the

#### Pollution Control Financing Bond Guarantees.

Section 8 of the Clean Water Act of 1977 amended Section 7 of the Small Business Act, 5 U.S.C. 636, to authorize the SBA through its Economic Injury Loan Program to make loans to assist small business concerns in making additions to, or alterations in, equipment, facilities, or methods of operation to meet water pollution control requirements under the Act if the concern is likely to suffer a substantial economic injury without such assistance. This program is open to small business firms as defined by the SBA. Loans can be made either directly by SBA or through a bank using an SBA guarantee. The interest on direct loans depends on the cost of money to the Federal Government. Loan repayment periods, depending on the ability of the firm to repay the loan may extend up to thirty years but will not exceed the useful life of the equipment.

Firms in the ore mining and dressing industry may be eligible for direct or indirect SBA loans. For further details on this Federal loan program, write or telephone any of the following individuals at EPA headquarters or at the ten EPA regional offices:

Headquarters—Ms. Frances Desselle, Office of Analysis and Evaluation (WH-586), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 Telephone: (202) 426-7874

Region I—Mr. Ted Landry, Enforcement Division, Environmental Protection Agency, J. F. Kennedy Federal Building, Boston, MA 02203, Telephone: (617) 223-5061

Region II—Mr. Gerald DeGartano, Enforcement Division, Room 432, Environmental Protection Agency, 26 Federal Plaza, New York, NY 10007, Telephone: (212) 264-4711

Region III—Mr. Bob Gunter, Environmental Protection Agency, Curtis Building, 31R20, 6th and Walnut Streets, Philadelphia, PA 19106, Telephone: (215) 597-2564

Region IV—Mr. John Hurlbous, Grants Administrative Support Section, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, GA 30308, Telephone: (404) 881-4431

Region V—Mr. Arnold Leder, Water and Hazardous Material, Enforcement Branch, Environmental Protection Agency, 230 South Dearborn Street, Chicago, IL 60605, Telephone: (312) 353-2114

Region VI—Ms. Jan Horn, Enforcement Division, Environmental Protection Agency, 1st International Building, 1201 Elm Street, Dallas, TX 75270, Telephone: (214) 729-2760

Region VII—Mr. Paul Walker, Water Division, Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, MO 64108, Telephone: (816) 374-2725

Region VIII—Mr. Gerald Burke, Office of Grants, Water Division, Environmental Protection Agency, 1860 Lincoln Street,



Denver, CO 80203, Telephone: (303) 327-4579

Region IX—Ms. Linda Powell, Permits Branch, Enforcement Division (E-4), Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Telephone: (415) 556-3450

Region X—Mr. Danforth Bodien, Enforcement Division, Environmental Protection Agency, 1200 6th Avenue, Seattle, WA 98101, Telephone: (206) 442-1352

Interested persons may also contact the Assistant Regional Administrators for Financial Assistance in the Small Business Administration Regional offices for more details on Federal loan assistance programs. For further information, write or telephone any of the following individuals:

Region I—Mr. George H. Allen, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 60 Battery March, 10th Floor, Boston, MA 02110, Telephone: (617) 223-3891

Region II—Mr. John Axiotakis, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 26 Federal Plaza, New York, NY 10007, Telephone: (212) 264-1452

Region III—Mr. David Malone, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 231 St. Asaphs Road, West Lobby, Suite 646, Bala Cynwyd, PA 19004, Telephone: (215) 596-5908

Region IV—Mr. Merritt Scoggins, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 1375 Peachtree Street, N.E., Atlanta, GA 30367, Telephone: (404) 881-2009

Region V—Mr. Howard Bondruska, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 219 South Dearborn Street, Chicago, IL 60604, Telephone: (312) 353-4534

Region VI—Mr. Till Phillips, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 1720 Regal Row, Suite 230, Dallas, TX 75202, Telephone: (214) 767-7873

Region VII—Mr. Richard Whitley, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 911 Walnut Street, 23rd Floor, Kansas City, MO 64016, Telephone: (816) 374-3210

Region VIII—Mr. James Chuculate, Assistant Regional Administrator for Financial Assistance, Small Business Administration, 1405 Curtis Street, Executive Tower Building, 22nd Floor, Denver, CO 80202, Telephone: (303) 837-3686

Region IX—Mr. Larry J. Wodarski, Deputy Assistant Regional Administrator for Financial Assistance, Small Business Administration, 450 Golden Gate Avenue, San Francisco, CA 94102, Telephone: (415) 556-7782

Region X—Mr. Jack Welles, Regional Administrator, Small Business Administration, 710 2nd Avenue, Dexter Horton Bldg., 5th Floor, Seattle, WA 98104, Telephone: (206) 442-1455

In addition to the Economic Injury Loan Program, the Small Business

Investment Act, as amended by Pub. L. 94-305, authorizes SBA to guarantee the payments on qualified contracts entered into by eligible small businesses to acquire needed pollution facilities when the financing is provided through tax-exempt revenue or pollution control bonds. This program is open to all eligible small businesses as defined by the SBA. Bond financing with SBA's guarantee of payments makes available long-term (20-30 years), low-interest (7 percent) financing to small businesses. For further details on this program write to the SBA, Pollution Control Financing Division, Office of Special Guarantees, 1815 North Lynn Street, Magazine Bldg., Rosslyn, VA 22209, (703) 235-2900.

#### XXI. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major and does not require a Regulatory Impact Analysis because the annual effect on the economy is less than \$100 million, it will not cause a major increase in costs, or significant adverse effects on the industry.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

#### List of Subjects in 40 CFR Part 440

Metal, Mines, Water pollution control, Waste treatment and disposal.

May 25, 1982.

Anne M. Gorsuch,  
Administrator.

#### Appendix A.—Abbreviations, Acronyms and Units Used in This Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BADT—Best available demonstrated technology under sections 304(c) and 306.

BAT—The best available technology economically achievable, under section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under section 304(b)(4) of the Act.

BMP's—Best management practices under section 304(e) of the Act.

BPT—The best practicable control technology currently available, under section 304(b)(1) of the Act.

CWA—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C.

1251 et seq.) as amended by the Clean Water Act of 1977 (Pub. L. 95-217).

FWPCA—Federal Water Pollution Control Act.

MSHA—The Department of Labor, Mine Safety and Health Administration.

NPDES Permit—A National Pollutant Discharge Elimination System permit issued under section 402 of the Act.

NSPS—New Source performance standards under section 306 of the Act.

POTW—Publicly owned treatment works.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94-580) of 1976, Amendments to Solid Waste Disposal Act.

#### Units

gpd—gallons per day.

mgd—million gallons per day.

mg/l—milligram(s) per liter.

µg/l—microgram(s) per liter.

#### Appendix B.—Toxic Organic Compounds Not Detected During Sampling

1. Acenaphthene.
2. Acrolein.
3. Acrylonitrile.
4. Benzidine.
5. Carbon Tetrachloride.
6. 1,2,4-Trichlorobenzene.
7. Hexachlorobenzene.
8. 1,2-Dichloroethane.
9. Hexachloroethane.
10. 1,1-Dichloroethane.
11. 1,1,2-Trichloroethane.
12. 1,1,2,2-Tetrachloroethane.
13. Chloroethane.
14. Bis(Chloromethyl) Ether.
15. Bis(2-Chloroethyl) Ether.
16. 2-Chloroethyl Vinyl Ether.
17. 2-Chloronaphthalene.
18. 2,4,6-Trichlorophenol.
19. Parachlorometa Cresol.
20. 2-Chlorophenol.
21. 1,2-Dichlorobenzene.
22. 1,3-Dichlorobenzene.
23. 1,4-Dichlorobenzene.
24. 3,3-Dichlorobenzidine.
25. 1,1-Dichloroethylene.
26. 2,4-Dichlorophenol.
27. 1,2-Dichloropropane.
28. 1,3-Dichloropropylene.
29. 2,4-Dinitrotoluene.
30. 2,6-Dinitrotoluene.
31. 1,2-Diphenylhydrazine.
32. Fluoranthene.
33. 4-Chlorophenyl Phenyl Ether.
34. 4-Bromophenyl Phenyl Ether.
35. Bis(2-Chloroisopropyl) Ether.
36. Bis(2-Chloroethoxy) Methane.
37. Methyl Chloride.
38. Methyl Bromide.
39. Bromoform.
40. Dichlorodifluoromethane.
41. Chlorodibromomethane.
42. Hexachlorobutadiene.
43. Hexachlorocyclopentadiene.
44. Isophorone.
45. Naphthalene.
46. Nitrobenzene.
47. 2-Nitrophenol.
48. 4-Nitrophenol.
49. 2,4-Dinitrophenol.
50. 4,6-Dinitro-O-Cresol.
51. N-Nitrosodimethylamine.



52. N-Nitrosodiphenylamine.
53. N-Nitrosodi-N-Propylamine.
54. Pentachlorophenol.
55. Benzo(A)Anthracene.
56. Benzo(A)Pyrene.
57. 3,4-Benzofluoranthene.
58. Benzo(K)Fluoranthene.
59. Chrysene.
60. Acenaphthylene.
61. Anthracene.
62. Benzo(G,H,I)Perylene.
63. Phenanthrene.
64. Dibenzo(A,H)Anthracene.
65. Indeno(1,2,3-C,D)Pyrene.
66. Pyrene.
67. Trichloroethylene.
68. Vinyl Chloride.
69. Chloradane.
70. 4,4-DDT.
71. 4,4-DDE.
72. 4,4-DDD.
73. Endosulfan-Alpha.
74. Endosulfan-Beta.
75. Endosulfan Sulfate.
76. Endrin Aldehyde.
77. Heptachlor Epoxide.
78.  $\gamma$ BHC(Lindane)-Gamma.
79. PCB-1242 (AROCHLOR 1242).
80. PCB-1254 (AROCHLOR 1254).
81. PCB-1221 (AROCHLOR 1221).
82. PCB-1232 (AROCHLOR 1232).
83. PCB-1248 (AROCHLOR 1248).
84. PCB-1260 (AROCHLOR 1260).
85. PCB-1016 (AROCHLOR 1016).
86. Toxaphene.
87. 2,3,7,8-Tetrachlorodibenzo-p-Dioxin.

**Appendix C.—Toxic Organic Compounds Detected at Least One Facility But Always 10  $\mu$ g/l or less**

1. Chlorobenzene.
2. Dichlorobromomethane.
3. Fluorene.
4. Aldrin.
5. Dieldrin.
6. Endrin.
7. Heptachlor.
8. 1,1,1-Trichloroethane.
9. Chloroform.
10. Ethylbenzene.
11. Trichlorofluoromethane.
12. Diethyl Phthalate.
13. Tetrachloroethylene.
14. Toluene.
15.  $\alpha$ BHC-Alpha.
16.  $\beta$ BHC-Beta.
17.  $\Delta$ BHC-Delta.

**Appendix D.—Toxics Detected at Levels Too Small To Be Effectively Reduced by Technologies Known to the Administrator**

1. Antimony.
2. Beryllium.
3. Silver.
4. Thallium.
5. Selenium.
6. Chromium.
7. Cyanide.
8. Benzene.
9. 1,2-Trans-Dichloroethylene.
10. Phenol.
11. Bis(2-Ethylhexyl) Phthalate.
12. Butyl Benzyl Phthalate.
13. Di-N-Butyl Phthalate.
14. Di-n-Octyl Phthalate.
15. Dimethyl Phthalate.
16. Methylene Chloride.

**Appendix E.—Toxic Organic Compounds Detected From a Small Number of Sources and Uniquely Related to These Sources**

2,4-dimethylphenol.

**Appendix F.—Pollutants Effectively Controlled by the Technology upon Which Other Effluent Limitations and Guidelines are Based**

1. Asbestos.
2. Arsenic.
3. Nickel.

**Appendix G.—Subcategories and Subparts Where Equal or More Stringent Protection is Already Provided by Existing Effluent Limitations (BAT=BPT)**

Iron Ore Subcategory  
Aluminum Ore Subcategory  
Uranium, Radium, and Vanadium Ores Subcategory, Mine Drainage  
Mercury Ore Subcategory, Mills  
Copper, Lead, Zinc, Silver, Gold, Platinum, and Molybdenum Ore Subcategory  
Mills and mine areas employing leaching for the recovery of copper  
Mills employing cyanidation process or the amalgamation process for the recovery of gold or silver.

**Appendix H.—Pollutants Excluded by Subcategory and Subpart**

Uranium Ore Subcategory—Mine Drainage  
Cadmium (not detected)  
Copper (present in amounts too small to treat)  
Lead (present in amounts too small to treat)  
Mercury (present in amounts too small to treat)

Tungsten Ore Subcategory—Mine Drainage  
Cadmium (present in amounts too small to treat)  
Lead (not detected)  
Mercury (present in amounts too small to treat)

Tungsten Ore Subcategory—Mill Process Water  
Cadmium (present in amounts too small to treat)  
Mercury (not detected)

Mercury Ore Subcategory—Mine Drainage  
Mercury (present in amounts too small to treat)

**Appendix I.—Subpart Where Pollutants Are Detected From a Small Number of Sources Within the Subpart and the Pollutants Are Uniquely Related to These Sources**

Uranium, Radium, and Vanadium Ores Subcategory  
Mills using the acid and alkaline leach process for the extraction of uranium

**Appendix J. Proposed BAT=BPT**

Pollutants Where the Small Amounts Remaining in the BPT Effluent Does Not Justify Additional Regulation  
Titanium Ore—Mills, Zinc  
Tungsten Ore—Mine Drainage and Mills  
Copper  
Zinc  
Cadmium

Copper, Lead, Zinc, Silver, Gold, Platinum, and Molybdenum Ore—Mine Drainage and Mills Employing Froth-Flotation  
Copper  
Zinc  
Lead  
Mercury  
Cadmium

For the purpose of clarity, the BPT effluent limitations guidelines are being published as part of today's document. However, the BPT requirements remain unaffected by today's proposal and are not being repropounded today. For the reasons discussed above, EPA proposes to revise Part 440 to read as follows:

**PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY**

**Subpart A—Iron Ore Subcategory**

- Sec.
- 440.10 Applicability: description of the iron ore subcategory.
- 440.11 [Reserved]
- 440.12 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).
- 440.13 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).
- 440.14 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BATD).
- 440.15 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

**Subpart B—Base and Precious Metals Subcategory**

- 440.20 Applicability: description of the base and precious metals subcategory.
- 440.21 [Reserved]
- 440.22 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).

**Subpart C—Aluminum Ore Subcategory**

- 440.30 Applicability: description of the aluminum ore subcategory.
- 440.31 [Reserved]
- 440.32 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).
- 440.33 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).
- 440.34 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying best available demonstrated technology (BATD).
- 440.35 Effluent limitations representing the degree of effluent reduction attainable by



Sec. applying the best conventional pollutant control technology (BCT).

#### Subpart D—Ferroalloy Ores Subcategory

- 440.40 Applicability: description of the ferroalloy ores subcategory.  
 440.41 [Reserved]  
 440.42 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).

#### Subpart E—Uranium, Radium, and Vanadium

##### Ores Subcategory

- 440.50 Applicability: description of the uranium, radium, and vanadium ores subcategory.  
 440.51 [Reserved]  
 440.52 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).  
 440.53 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.54 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).  
 440.55 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart F—Mercury Ores Subcategory

- 440.60 Applicability: description of the mercury ores subcategory.  
 440.61 [Reserved]  
 440.62 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).  
 440.63 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.64 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).  
 440.65 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart G—Titanium Ore Subcategory

- 440.70 Applicability: description of the titanium ore subcategory.  
 440.71 [Reserved]  
 440.72 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).  
 440.73 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.74 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).

Sec. 440.75 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart H—Tungsten Ore Subcategory

- 440.80 Applicability: description of the tungsten ore subcategory.  
 440.81 [Reserved]  
 440.82 Not Applicable  
 440.83 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.84 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).  
 440.85 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart I—Nickel Ore Subcategory

- 440.90 Applicability: description of the nickel ore subcategory.  
 440.91 [Reserved]  
 440.92 Not applicable.  
 440.93 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.94 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best demonstrated technology (BADT).  
 440.95 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart J—Vanadium Ore Subcategory (Mined Alone and Not as a Byproduct)

- 440.100 Applicability: description of the vanadium ore subcategory.  
 440.101 [Reserved]  
 440.102 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).  
 440.103 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.104 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).  
 440.105 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart K—Antimony Ore Subcategory

- 440.110 Applicability: description of the antimony ore subcategory.  
 440.111 [Reserved]  
 440.112 Effluent limitations representing the degree of effluent reduction attainable by applying the best practicable control technology currently available (BPT).  
 440.113 Effluent limitations representing the degree of effluent reduction attainable by

Sec. applying the best available technology economically achievable (BAT).  
 440.114 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).  
 440.115 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart L—Copper, Lead, Zinc, Gold, Silver, Platinum, and Molybdenum Ores Subcategory

- 440.120 Applicability: description of the copper, lead, zinc, gold, silver, platinum, and molybdenum ores subcategory.  
 440.121 [Reserved]  
 440.122 Not applicable.  
 440.123 Effluent limitations representing the degree of effluent reduction attainable by applying the best available technology economically achievable (BAT).  
 440.124 New Source Performance Standards (NSPS) representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BADT).  
 440.125 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).

#### Subpart M—General Provisions and Definitions

- 440.130 Applicability.  
 440.131 General provisions.  
 440.132 General definitions.

Authority: Secs. 301, 304(b) and (c), 306, and 501, Clean Water Act [The Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977 (the Act)] as amended 33 U.S.C. 1311, 1314(b) and (c), 1316, and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

#### Subpart A—Iron Ore Subcategory

##### § 440.10 Applicability: Description of the iron ore subcategory.

The provisions of this subpart are applicable to discharges from:

(a) Mines operated to obtain iron ore, regardless of the type of ore or its mode of occurrence;

(b) Mills beneficiating iron ores by physical (magnetic and nonmagnetic) and/or chemical separation and

(c) Mills beneficiating iron ores by magnetic and physical separation (Mesabi Range).

##### § 440.11 [Reserved]

§ 440.12 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Subject to Subpart M-General Provisions and Definitions, the following limitations establish the concentrations of pollutants controlled by this section



which may be discharged by a point source after application of the best practicable control technology currently available:

(a) The concentration of pollutants discharged in mine drainage from mines operated to obtain iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Fe (dissolved).....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged from mills that employ physical (magnetic and nonmagnetic) and/or chemical methods to beneficiate iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Fe (dissolved).....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(c) (1) There shall be no discharge of process wastewater from mills that employ magnetic and physical methods to beneficiate iron ore (Mesabi Range) except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

**§ 440.13 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32,

any existing point source subject to this subpart must achieve the following effluent limitations:

(a) The concentration of pollutants discharged in mine drainage from mines operated to obtain iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe (dissolved).....	2.0	1.0

(b) The concentration of pollutants discharged from mills that employ physical (magnetic and nonmagnetic) and/or chemical methods to beneficiate iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe (dissolved).....	2.0	1.0

(c)(1) There shall be no discharge of process wastewater from mills that employ magnetic and physical methods to beneficiate iron ore (Mesabi Range) except as provided below in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

#### **§ 440.14 New Source Performance Standards (NSPS).**

Except as provided in Subpart M of this regulation, any new source subject to this subpart must achieve the following NSPS representing the degree of effluent reduction attainable by applying the best available demonstrated technology (BATDT):

(a) The concentration of pollutants discharged in mine drainage from mines

operated to obtain iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe (dissolved).....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged from mills that employ physical (magnetic and nonmagnetic) and/or chemical methods to beneficiate iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe (dissolved).....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(c) There shall be no discharge of process wastewater from mills that employ magnetic and physical methods to beneficiate iron ore (Mesabi Range) except as provided below.

In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

#### **440.15 Effluent limitations representing the degree of effluent reduction attainable by applying the best conventional pollutant control technology (BCT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32, any existing source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines operated to obtain iron ore shall not exceed:



Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	( <sup>1</sup> ) 30.0	( <sup>1</sup> ) 20.0
TSS.....		

<sup>1</sup> Within the range 6.0. to 9.0.

(b) The concentration of pollutants discharged from mills that employ physical (magnetic and nonmagnetic) and/or chemical methods to beneficiate iron ore shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	( <sup>1</sup> ) 30.0	( <sup>1</sup> ) 20.0
TSS.....		

<sup>1</sup> Within the range 6.0. to 9.0.

(c)(1) There shall be no discharge of process wastewater from mills that employ magnetic and physical methods to beneficiate iron ore (Mesabi Range) except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

#### Subpart B—Base and Precious Metal Ores Subcategory

##### § 440.20 Applicability: description of the subcategory.

The provisions of this subpart are applicable to discharges from:

(a) Mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores or silver bearing ores, or any combination of these ores from open pit or underground operations other than placer deposits;

(b) Mills which employ the froth-flotation process alone or in conjunction with other processes, for the

beneficiation of copper ores, lead ores, zinc ores, gold ores or silver ores, or any combination of these ores;

(c) Mines and mills which employ dump, heap, in-situ leach or vat-leach processes for the extraction of copper from ores or ore waste materials;

(d) Mills which extract gold or silver by the cyanidation process and

(e) Mines or mines and mills beneficiating gold ores, silver ores, or platinum ores by gravity separation methods, (this includes placer or dredge mining or concentrating operations, and hydraulic mining operations).

##### § 440.21 [Reserved]

##### § 440.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Subject to the provisions of Subpart M—General Provisions and Definitions, the following limitations establish the concentration of pollutants controlled by this section which may be discharged by a point source after application of the best practicable control technology currently available:

(a) The concentration of pollutants discharged in mine drainage from mines operated to obtain copper bearing ores, lead bearing ores, zinc bearing ores, gold bearing ores, or silver bearing ores or any combination of these ores open pit or underground operations other than placer deposits shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Cu.....	.30	.15
Zn.....	1.5	.75
Pb.....	.6	.3
Hg.....	.002	.001
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> With the range 6.0 to 9.0

(b) The concentration of pollutants discharged from mills which employ the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper ores, lead ores, zinc ores, gold ores, or silver ores or any combination of these ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Cu.....	.30	.15
Zn.....	1.0	.5
Pb.....	.6	.3
Hg.....	.002	.001
Cd.....	.10	.05
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(c)(1) There shall be no discharge of process wastewater from mines and mills which employ dump, heap, in situ leach or vat-leach processes for the extraction of copper from ores or ore waste materials except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(d)(1) There shall be no discharge of process wastewater from mills which extract gold or silver by use of the cyanidation process except as provided in paragraph (d)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(5) The concentration of pollutants discharged in mine drainage from mines or discharged from mine and mill complexes beneficiating gold ores, silver ores or platinum ores by gravity separation methods including mining of



placer deposits, dredge mining and hydraulic mining operations shall not exceed: [Defined at a later date]

### Subpart C—Aluminum Ore Subcategory

#### § 440.30 Applicability: description of the aluminum ore subcategory.

The provisions of this subpart are applicable to discharges from facilities engaged in the mining of bauxite as an aluminum ore.

#### § 440.31 [Reserved]

#### § 440.32 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Subject to the provisions of Subpart M, *General Provisions and Definitions*, the limitations described in the table below establish the concentration of pollutants controlled by this section, which may be discharged by a point source after application of the best practicable control technology currently available: The concentration of pollutants discharged in mine drainage from mines producing bauxite ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Fe.....	1.0	.5
Al.....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

#### § 440.33 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in Subpart M of this regulation and 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the limitations described in the table below. The concentration of pollutants discharged in mine drainage from mines producing bauxite ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe (total).....	1.0	0.5
Al.....	2.0	1.0

#### § 440.34 New Source Performance Standards (NSPS).

Except as provided in Subpart M of this regulation, any new source subject to this subpart must achieve the NSPS described in the table below, representing the degree of effluent reduction attainable by the application of the best available demonstrated technology (BADT). The concentration of pollutants discharged in mine drainage from mines producing bauxite ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe (total).....	1.0	0.5
Al.....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

#### § 440.35 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in Subpart M of this part and 40 CFR §§ 125.30–125.32, any existing source subject to this subpart must achieve the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

### Subpart D—Ferroalloy Ores Subcategory

#### § 440.40 Applicability: description of the ferroalloy ores subcategory.

The provisions of this subpart are applicable to discharges from:

(a) Mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year;

(b) Mines producing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching;

(c) Mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media and gravity separation, and magnetic and electrostatic separation; and

(d) Mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods. Ferroalloy metals include: molybdenum, nickel, tungsten and vanadium (recovered alone and not as a byproduct of uranium mining and mills).

#### § 440.41 [Reserved]

#### § 440.42 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Subject to the provisions of Subpart M, *General Provisions and Definitions*, the following limitations establish the concentration of pollutants controlled by this section which may be discharged by a point source after application of the best practicable control technology currently available:

(a) The concentration of pollutants discharged in mine drainage from mines producing 5,000 metric tons (5,512 short tons) or more of ferroalloy bearing ores per year shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Cd.....	.10	.05
Cu.....	.3	.15
Zn.....	1.0	.5
Pb.....	.6	.3
As.....	1.0	.5
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(2) The concentration of pollutants discharged in mine drainage from mines producing less than 5,000 metric tons (5,512 short tons) or discharged from mills processing less than 5,000 metric tons (5,512 short tons) of ferroalloy ores per year by methods other than ore leaching shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	50	30
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(3) The concentration of pollutants discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by purely physical methods including ore crushing, washing, jigging, heavy media



separation, and magnetic and electrostatic separation shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS	30	20
Cd	.10	.05
Cu	.30	.15
Zn	1.0	.5
As	1.0	.5
pH	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(4) The concentration of pollutants discharged from mills processing 5,000 metric tons (5,512 short tons) or more of ferroalloy ores per year by froth flotation methods shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS	30	20
Cd	.10	.05
Cu	.30	.15
Zn	1.0	.5
As	1.0	.5
pH	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

#### Subpart E—Uranium, Radium and Vanadium Ores Subcategory

##### § 440.50 Applicability: Description of the uranium, radium and vanadium ores subcategory.

The provisions of this subpart are applicable to discharges from

(a) Mines, either open-pit or underground, from which uranium, radium and vanadium ores are produced; and

(b) Mills using the acid leach, alkaline leach, or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium.

Only vanadium by-product production from uranium ores is covered under this subpart.

##### § 440.51 [Reserved]

##### § 440.52 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Subject to the provisions of Subpart M, *General Provisions and Definitions*, the following limitations establish the concentration of pollutants controlled by this section which may be discharged

by a point source after application of the best practicable control technology currently available:

(a) The concentration of pollutants discharged in mine drainage from mines, either open-pit or underground, from which uranium, radium and vanadium ores are produced excluding mines using in-situ leach methods shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS	30	20
COD	200	100
Zn	1.0	0.5
Ra 226 <sup>1</sup> (dissolved)	10	3
Ra 226 <sup>1</sup> (total)	30	10
U	4	2
pH	( <sup>2</sup> )	( <sup>2</sup> )

<sup>1</sup> Values in picocuries per liter (pCi/l).

<sup>2</sup> Within the range 6.0 to 9.0.

(b) The concentrations of pollutants discharged from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium, radium and vanadium including mill-mine facilities and mines using in-situ leach methods, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS	30	20
COD	500	500
As	1.0	.5
Zn	1.0	.5
Ra 226* (dissolved)	10	3
Ra 226* (total)	30	10
NH <sub>3</sub>		100
pH	( <sup>2</sup> )	( <sup>2</sup> )

<sup>1</sup> Values in picocuries per liter (pCi/l).

<sup>2</sup> Within the range 6.0 to 9.0.

##### § 440.53 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in Subpart M of this regulation and 40 CFR 125.30—125.32, any existing point source subject to this subpart must achieve the limitations: Described in the table below. The concentration of pollutants discharged in mine drainage from mines, either open-pit or underground, that produce uranium ore, including mines using in-situ leach methods, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
COD	200	100
Zn	1.0	0.5
Ra 226 <sup>1</sup> (dissolved)	10.0	3.0
Ra 226 <sup>1</sup> (total)	30.0	10.0
U	4.0	2.0

<sup>1</sup> Values in picocuries per liter (pCi/l).

##### § 440.54 New Source Performance Standards (NSPS).

Except as provided in Subpart M of this regulation any new source subject to this subpart must achieve the following NSPS representing the degree of effluent reduction attainable by the application of the best available demonstrated technology (BAT):

(a) The concentration of Pollutants discharged in mine drainage from mines, either open-pit or underground, that produce uranium ore, including mines using in-situ leach methods, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
COD	200	100
Zn	1.0	0.5
Ra 226* (dissolved)	10.0	3.0
Ra 226* (total)	30.0	10.0
U	4.0	2.0
pH	( <sup>2</sup> )	( <sup>2</sup> )
TSS	30.0	20.0

<sup>1</sup> Values in picocuries per liter (pCi/l).

<sup>2</sup> Within the range 6.0 to 9.0.

(b)(1) There shall be no discharge of process wastewater from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium or from mines and mills using in-situ leach methods.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.



**§ 440.55 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).**

Except as provided in Subpart M of this part and 40 CFR 125.30-125.32, any existing source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines, either open pit or underground, that produce uranium ore, including mines using in-situ leach methods, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH .....	( <sup>1</sup> )	( <sup>1</sup> )
TSS .....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged in wastewater from mills using the acid leach, alkaline leach or combined acid and alkaline leach process for the extraction of uranium shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH .....	( <sup>1</sup> )	( <sup>1</sup> )
TSS .....	30	20

<sup>1</sup> Within the range 6.0 to 9.0.

**Subpart F—Mercury Ore Subcategory**

**§ 440.60 Applicability: Description of the mercury ore subcategory.**

The provisions of this subpart are applicable to discharges from:

(a) Mines, either open-pit or underground, that produce mercury ores; and

(b) Mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

**§ 440.61 [Reserved]**

**§ 440.62 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

Subject to the provisions of Subpart

M—General Provisions and Definitions, the following limitations establish the concentration of pollutants controlled by this section which may be discharged by a point source after application of the best practicable control technology currently available:

(a) The concentration of pollutants discharged in mine drainage from mines, either open-pit or underground, operated for the production of mercury ores shall not exceed the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS .....	30	20
Hg .....	.002	.001
Ni .....	.2	.1
pH .....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(b)(1) There shall be no discharge of process wastewater from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods except as provided in paragraph (b)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equivalent to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

**§ 440.63 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32, any existing point source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines, either open pit or underground, that produce mercury ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Hg .....	0.002	0.001

(b)(1) There shall be no discharge of process wastewater from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

**§ 440.64 New Source Performance Standards (NSPS).**

Except as provided in Subpart M of this regulation any new source subject to this subpart must achieve the degree of effluent reduction attainable by the application of the best available demonstrated technology (BADT):

(a) The concentration of pollutants discharged in mine drainage from mines, either open pit or underground, that produce mercury ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Hg .....	0.002	0.001
pH .....	( <sup>1</sup> )	( <sup>1</sup> )
TSS .....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(b)(1) There shall be no discharge of process wastewater from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the



treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

**§ 440.65 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32, any existing source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines, either open pit or underground, that produce mercury ores shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30	20

<sup>1</sup> Within the range 6.0 to 9.0.

(b)(1) There shall be no discharge of process wastewater from mills beneficiating mercury ores by gravity separation methods or by froth-flotation methods.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

#### Subpart G—Titanium Ore Subcategory

**§ 440.70 Applicability: description of the titanium ore subcategory.**

The provisions of this subpart are applicable to discharges from

(a) Mines obtaining titanium ores from lode deposits;

(b) Mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods; and

(c) Mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene,

monazite, zircon, and other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods).

#### § 440.71 [Reserved]

**§ 440.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

Subject to the provisions of Subpart M-General Provisions and Definitions, the following limitations establish the concentration of pollutants controlled by this section which may be discharged by a point source after application of the best practicable control technology currently available:

(a) The concentration of pollutants discharged in mine drainage from mines obtaining titanium ores from lode deposits shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Fe.....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Zn.....	1.0	0.5
Ni.....	0.2	0.1
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

(c) The concentration of pollutants discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon, or other heavy metals, and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of

wet gravity methods in conjunction with electrostatic or magnetic methods) shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
TSS.....	30	20
Fe.....	2	1
pH.....	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Within the range 6.0 to 9.0.

**§ 440.73 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32, any existing point source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines obtaining titanium ores from lode deposits shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe.....	2.0	1.0

(b) The concentration of pollutants discharged from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Zn.....	1.0	0.5

(c) The concentration of pollutants discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, or zircon and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods) shall not exceed:



Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe.....	2.0	1.0

#### § 440.74 New source performance standards (NSPS).

Except as provided in Subpart M of this regulation any new source subject to this subpart must achieve the following NSPS representing the degree of effluent reduction attainable by the application of the best available demonstrated technology (BADT):

(a) The concentration of pollutants discharged in mine drainage from mines obtaining titanium ores from lode deposits shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe.....	2.0	1.0
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged from mills beneficiating titanium ores by electrostatic methods, magnetic and physical methods, or flotation methods shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Zn.....	1.0	0.5
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(c) The concentration of pollutants discharged in mine drainage from mines engaged in the dredge mining of placer deposits of sands containing rutile, ilmenite, leucoxene, monazite, zircon and the milling techniques employed in conjunction with the dredge mining activity (milling techniques employed include the use of wet gravity methods in conjunction with electrostatic or magnetic methods) shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Fe.....	2.0	1.0

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

#### § 440.75 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32, any existing source subject to this subpart must achieve the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

#### Subpart H—Tungsten Ore Subcategory

##### § 440.80 Applicability: description of the tungsten ore subcategory.

The provisions of this subpart are applicable to discharges from (a) mines that produce tungsten ore and (b) mills that process tungsten ore by either the gravity separation or froth-flotation methods.

##### § 440.81 [Reserved]

##### § 440.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Tungsten ore is included in the BPT regulation for the Ferroalloy Ores subcategory (40 CFR 440.42).

##### § 440.83 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in Subpart M of this regulation and 40 CFR 125.30-125.32, any existing point source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from tungsten mines shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Cd.....	0.10	0.05
Cu.....	0.30	0.15
Zn.....	1.0	0.5

(b) The concentration of pollutants discharged from mills shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Cd.....	0.10	0.05
Cu.....	0.3	0.15
Zn.....	1.0	0.5

#### § 440.84 New source performance standards (NSPS).

Except as provided in Subpart M of this regulation any new source subject to this subpart must achieve the following NSPS representing the degree of effluent reduction attainable by the application of the best available demonstrated technology (BADT):

(a) The concentration of pollutants discharged in mine drainage from tungsten mines shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Cd.....	0.10	0.05
Cu.....	0.30	0.15
Zn.....	1.0	0.05
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range of 6.0 to 9.0.

(b) The concentration of pollutants discharged from mills shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
Cd.....	0.10	0.05
Cu.....	0.3	0.15
Zn.....	1.0	0.5



Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

**§ 440.85 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30—125.32, any existing source subject to this subpart must achieve the following limitations:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Milligrams per liter		
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

#### Subpart I—Nickel Ore Subcategory

**§ 440.90 Applicability: description of the nickel ore subcategory.**

The provisions of this subpart are applicable to discharges from:

- (a) Mines that produce nickel ore and
- (b) Mills that process nickel ore.

**§ 440.91 [Reserved]**

**§ 440.92 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

Nickel ore is included in the ferroalloy ores subcategory (see Subpart D).

**§ 440.93 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT). [Reserved]**

**§ 440.94 New source performance standards (NSPS). [Reserved]**

**§ 440.95 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]**

#### Subpart J—Vanadium Ore Subcategory (Mined Alone and Not as a Byproduct)

**§ 440.100 Applicability: description of the vanadium ore subcategory**

The provisions of this subpart are applicable to discharges from:

- (a) Mines that produce vanadium ore (recovered alone and not as a byproduct of uranium mining and mills) and
- (b) Mills that process vanadium ore (recovered alone, not as a byproduct of uranium mining and mills).

**§ 440.101 [Reserved]**

**§ 440.102 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).**

Vanadium ore (recovered alone and not as a byproduct of uranium mining and mills) is included in the ferroalloy ores subcategory (see Subpart D).

**§ 440.103 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT). [Reserved]**

**§ 440.104 New source performance standards (NSPS). [Reserved]**

**§ 440.105 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]**

#### Subpart K—Antimony Ore Subcategory

**§ 440.110 Applicability: description of the antimony ore subcategory.**

The provisions of this subpart are applicable to discharges from:

- (a) Mines that produce antimony ore and
- (b) Mills that process antimony ore.

**§ 440.111 [Reserved]**

**§ 440.112 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT). [Reserved]**

**§ 440.113 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT). [Reserved]**

**§ 440.114 New source performance standards (NSPS); effluent limitations. [Reserved]**

**§ 440.115 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]**

#### Subpart L—Copper, Lead, Zinc, Gold, Silver, Platinum, and Molybdenum Ores Subcategory

**§ 440.120 Applicability.**

The provisions of this subpart are applicable to discharges from:

- (a) Mines that produce copper, lead, zinc, gold, silver, platinum, or molybdenum bearing ores, or any combination of these ores from open-pit or underground operations other than placer deposits;

- (b) mills that use the froth-flotation process alone or in conjunction with other processes, for the beneficiation of copper, lead, zinc, gold, silver, platinum, or molybdenum ores, or any combination of these ores;

- (c) mines and mills that use dump, heap, in-situ leach or vat-leach processes to extract copper from ores or ore waste materials;

- (d) mills that use the cyanidation process to extract gold or silver; and

- (e) mines or mines and mills that use gravity separation methods (including placer or dredge mining or concentrating operations, and hydraulic mining operations) to extract gold ores, silver ores, or platinum ores.

**§ 440.121 [Reserved]**

**§ 440.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology (BPT).**

Copper, lead, zinc, gold, silver and platinum ores are included in the BPT regulation for the Base and Precious Metals subcategory (40 CFR 440.22). Molybdenum ore is included in the BPT regulation for the Ferroalloy Ores subcategory (40 CFR 440.42).



**§ 440.123 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (Bat).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30—125.32, any existing point source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines that produce copper, lead, zinc, gold, silver, platinum, or molybdenum bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits shall not exceed:

Effluent characteristic	Effluent limitations	Average of daily values for 30 consecutive days
	Maximum for any 1 day	
Milligrams per liter		
Cu.....	0.30	0.15
Zn.....	1.5	0.75
Pb.....	0.6	0.3
Hg.....	0.002	0.001
Cd.....	0.10	0.05

(b) The concentration of pollutants discharged from mills that use the froth-flotation process alone, or in conjunction with other processes, for the beneficiation of copper, lead, zinc, gold, silver, platinum or molybdenum ores or any combination of these ores shall not exceed:

Effluent characteristic	Effluent limitations	Average of daily values for 30 consecutive days
	Maximum for any 1 day	
Milligrams per liter		
Cu.....	0.30	0.15
Zn.....	1.0	0.5
Pb.....	0.6	0.3
Hg.....	0.002	0.001
Cd.....	0.10	0.05

(c)(1) There shall be no discharge of process wastewater from mine areas and mills processes and areas that use dump, heap, in-situ leach or vat-leach processes to extract copper from ores or ore waste materials except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the

treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(d)(1) There shall be no discharge of process wastewater from mills that use the cyanidation process to extract gold or silver except as provided in paragraph (d)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(e) The concentration of pollutants discharged in mine drainage or discharged from mines and mills beneficiating gold, silver, or platinum ores by gravity separation methods including mining of placer deposits, dredge mining and hydraulic mining operations shall not exceed: (Reserved)

**§ 440.124 New source performance standards (NSPS).**

Except as provided in Subpart M—General Provisions and Definitions, any new source subject to this subsection must achieve the following NSPS representing the degree of effluent reduction attainable by the application of the best available demonstrated technology (BADT):

(a) The concentration of pollutants discharged in mine drainage from mines that produce copper, lead, zinc, gold, silver, platinum or molybdenum bearing ores or any combination of these ores from open-pit or underground operations other than placer deposits shall not exceed:

Effluent characteristic	Effluent limitations	Average of daily values for 30 consecutive days
	Maximum for any 1 day	
Milligrams per liter		
Cu.....	0.30	0.15
Zn.....	1.5	0.75
Pb.....	0.6	0.3
Hg.....	0.002	0.001
Cd.....	0.10	0.05
pH.....	1	1
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(b) (1) There shall be no discharge of process wastewater from mills that use the froth-flotation process alone, or in conjunction with other processes, for the

beneficiation of copper, lead, zinc, gold, silver, platinum or molybdenum ores or any combination of these ores except as provided in paragraph (b)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(c) (1) There shall be no discharge of process wastewater from mine areas and mills processes and areas that use dump, heap, in-situ leach or vat-leach processes to extract copper from ores or ore waste materials except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(d) (1) There shall be no discharge of process wastewater from mills that use the cyanidation process to extract gold or silver except as provided in paragraph (d)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(e) The concentration of pollutants discharged from mines and mills beneficiating gold, silver, or platinum ores by gravity separation methods including mining of placer deposits, dredge mining and hydraulic mining operations shall not exceed: [Defined at a later date]



**§ 440.125 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).**

Except as provided in Subpart M of this regulation and 40 CFR 125.30—125.32, any existing source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines that produce copper, lead, zinc, gold, silver, platinum or molybdenum bearing ores or any combination of these ores from open-pit or underground operations, except gold placer mines, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter	
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged from mills that use froth-flotation process alone, or in conjunction with other processes, for the beneficiation of copper, lead, zinc, gold, silver, platinum, or molybdenum ores, or any combination of these shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Milligrams per liter	
pH.....	( <sup>1</sup> )	( <sup>1</sup> )
TSS.....	30.0	20.0

<sup>1</sup> Within the range 6.0 to 9.0.

(c)(1) There shall be no discharge of process wastewater from mines and mills that extract copper from ores or ore waste materials by the dump, heap, in-situ leach or vat-leach processes except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual

precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(d)(1) There shall be no discharge of process wastewater from mills that use the cyanidation process to extract gold or silver except as provided in paragraph (d)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

**Subpart M—General Provisions and Definitions**

**§ 440.130 Applicability.**

Abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to Part 440 except as provided in these general provisions and definitions. The general provisions and definitions in this subpart apply to all subparts of Part 440.

**§ 440.131 General Provisions.**

(a) Existing sources which as of the date of this proposal have combined for treatment waste streams from various subparts or segments of subparts in Part 440: The quantity and quality of each pollutant or pollutant property in the combined discharge that is subject to effluent limitations shall not exceed the quantity and quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have been discharged had each waste stream been treated separately.

(b) New sources that combine for treatment waste streams from various subparts or segments of subparts in Part 440: The quantity and quality of each pollutant or pollutant property in the combined discharge that is subject to effluent limitations shall not exceed the quantity and quality of each pollutant or pollutant property that would have been discharged had each waste stream been treated separately. The discharge flow from a combined discharge shall not exceed the volume that would have

been discharged had each waste stream been treated separately.

(c) Existing sources and new sources that are permitted to discharge subject to effluent limitations and that are designed, constructed, and maintained to contain or treat the maximum volume of process wastewater discharged in a 24-hour period, including the volume which would result from a 10-year, 24-hour precipitation event, or snowmelt of equal volume: Any excess wastewater discharged shall not be subject to the limitations set forth in 40 CFR 440.

(d) Existing sources which are not permitted to discharge and that are designed, constructed, and maintained to contain the maximum volume of process wastewater discharged in a 24-hour period including the volume that would result from a 10-year, 24-hour precipitation event, or snowmelt of equal volume: Any excess wastewater discharged shall not be subject to the limitations set forth in 40 CFR 440.

(e) Determining the maximum volume of wastewater which would result from a 10-year 24 hour precipitation event at any facility (in (c) and (d) above): The volume must include the volume that would result from runoff from all areas contributing runoff to the individual treatment facility, i.e. all runoff that is not diverted from the active mining area, run off which is not diverted from the mill area, and other runoff that is allowed to commingle with the influent to the treatment system.

(f) New sources that must achieve no discharge of process wastewater: Excess wastewater that results from the occurrence of a 10-year, 24-hour precipitation event or snowmelt of equal volume may be discharged and shall not be subject to the limitations set forth in 40 CFR 440.

(g) When neutralization and sedimentation treatment technology to comply with the metal limitations set forth results in inability to meet the pH range of 6 to 9:

(1) The permit issuer may allow the pH level in the final effluent to slightly exceed 9.0 so that the metals effluent limitations in the permit will be achieved.

(2) For a discharge into receiving waters for which the pH (if unaltered by human activities) is or would be less than 6.0 and if approved water quality standards authorize such lower pH, the pH limitation for the discharge may be adjusted downward to the pH water quality criterion for the receiving waters if the other effluent limitations for the discharge are met.



**§ 440.132 General definitions.**

(a) "Active mining area" is a place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

(b) "Mine" is an active mining area, including all land and property placed under, or above the surface of such land, used in or resulting from the work of extracting metal ore from its natural deposits by any means or method, including secondary recovery of metal ore from refuse or other storage piles derived from the mining, cleaning, or concentration of metal ores.

(c) "Mill" is a preparation facility within which the metal ore is cleaned, concentrated, or otherwise processed

before it is shipped to the customer, refiner, smelter, or manufacturer. A mill includes all ancillary operations and structures necessary to clean, concentrate, or otherwise process metal ore, such as ore and gangue storage areas and loading facilities.

(d) "10-year, 24-hour precipitation event" is the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments, or equivalent regional or rainfall probability information based on the paper.

(e) "Annual precipitation" and "annual evaporation" are the mean annual precipitation and mean annual lake evaporation, respectively, as defined in *Climatic Atlas of the United*

*States*, U.S. Department of Commerce, Environmental Science Services Administration, Environmental Data Services, June 1968, or equivalent regional rainfall and evaporation data.

(f) "U" (Uranium) is measured by the procedure discussed in *HASL Procedure Manual*, edited by John H. Harley, HASL 300 Health and Safety Laboratory, U.S. Atomic Energy Commission, 1973, pg. EU-03, or an equivalent method.

(g) "Chrysotile asbestos" is measured by the procedure discussed in Charles H. Anderson and J. MacArthur Long, *Preliminary Interim Procedure for Fibrous Asbestos*, EPA 600/4-80-005, PB-80-152879. The procedure is also presented in Addendum A to the technical development document.

[FR Doc. 82-15631 Filed 6-13-82; 8:45 am]

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# Best of Federal Land

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Monday  
June 14, 1982

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## Part III

## Department of the Interior

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Bureau of Land Management

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Procedures for the Leasing of Combined  
Hydrocarbon Resources



## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Part 3140

## Procedures for the Leasing of Combined Hydrocarbon Resources

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed Rulemaking.

**SUMMARY:** This proposed rulemaking would provide procedures to be used by the Secretary of the Interior in implementing a competitive leasing program in Special Tar Sand Areas as required by the Combined Hydrocarbon Leasing Act of 1981.

**DATE:** Comments by August 13, 1982.

**ADDRESS:** Comments should be sent to: Director (140), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m., to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Edward E. Coggs (202) 343-3258 or Richard J. Aiken (202) 343-3258 or Robert C. Bruce (202) 343-8735.

**SUPPLEMENTARY INFORMATION:** The Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070) amends the Minerals Lands Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*), the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), and the Mineral Lands Leasing Act for Acquired Lands, as amended (30 U.S.C. 351 *et seq.*) to establish a competitive leasing program for 11 designated areas in eastern Utah. These areas are designated by Secretary of the Interior's Orders of November 20, 1980 (45 FR 76800), and January 21, 1981 (46 FR 6077).

This proposed rulemaking, as mandated by the Combined Hydrocarbon Leasing Act, would provide a procedure under which all future leasing of any hydrocarbons except coal, oil shale, or gilsonite within the areas designated by the Secretary of the Interior's Orders of November 20, 1980 (45 FR 76800), and January 21, 1981 (46 FR 6077), and referred to as Special Tar Sand Areas, would be by competitive bidding. A combined hydrocarbon lease would convey the rights to all hydrocarbons located on the lease except coal, oil shale and gilsonite.

The proposed provisions for a competitive combined hydrocarbon leasing program would be substantially similar to the provisions of the Bureau of

Land Management's existing oil and gas leasing regulations (43 CFR Part 3100), particularly those special provisions pertaining to mineral development activity taking place in a unit of the National Park System, and to the Operating Regulations for Exploration, Development, and Production (30 CFR Part 231) of the Minerals Management Service.

The Bureau of Land Management would hold a lease sale in those areas in which industry has expressed an interest. Leasing would take place only after the lands have been processed through the Bureau's land-use planning program in accordance with 43 CFR Part 1600 or the appropriate Minerals Management Plan of the National Park Service. In addition to the consultation with any affected agencies that will be taking place during the land-use planning phase, additional consultation is required with the Governor of Utah and any affected surface management agencies prior to lease offering.

The proposed rulemaking also includes provisions that allow prelease exploration and use of additional lands to support combined hydrocarbon lease operations.

Specific provisions of the proposed rulemaking are herein discussed in more detail.

**Section 3141.0-5 Definitions**

A number of terms used in this rulemaking are defined in the definitions section of the proposed rulemaking. Included among them are: (1) "combined hydrocarbon leases" which would follow the provisions of section 4 of the Combined Hydrocarbon Leasing Act. This term is only appropriate in Special Tar Sand Areas. The lease would convey the rights to all hydrocarbonaceous materials except coal, oil shale, and gilsonite, thereby eliminating the need to distinguish tar sand from oil within Special Tar Sand Areas; (2) "Special Tar Sand Areas" would be defined in accordance with the guidance provided in section 4 of the Combined Hydrocarbon Leasing Act and includes only those areas designated in the Secretary of the Interior's Orders of November 20, 1980, and January 21, 1981. These 11 areas, all in eastern Utah, are referred to as:

- i. Asphalt Ridge—Whiterocks
- ii. Ravenridge—Rimrock
- iii. Pariette
- iv. Argyle Canyon—Willow Creek
- v. Sunnyside
- vi. Hill Creek
- vii. PR Spring
- viii. San Rafael Swell
- ix. Tar Sand Triangle
- x. White Canyon.

## xi. Circle Cliffs.

The other term that would also be defined is "tar sand" which is defined in accordance with the provisions set forth in section 7 of the Combined Hydrocarbon Leasing Act.

**Section 3141.0-8 Effect of Existing Regulations**

Paragraph (a) of this section of the proposed rulemaking explains that all combined hydrocarbon leases issued under this subpart would be required to follow all relevant provisions set out in existing oil and gas leasing regulations except that provisions relating to chargeable acreage, acreage limitations, royalty and rental rates, and primary terms are not applicable to leases that would be issued under this subpart. The existing regulations include the special leasing regulations pertaining to any mineral development activity taking place on a unit of the National Park Service.

Paragraph (b) of the proposed rulemaking explains the provisions of 30 CFR Part 231 as they would apply to the development and approval of plans of combined hydrocarbon leases issued under this subpart. This includes the requirement that prior to commencement of operations, the successful lessee shall develop a plan of operations as described in 30 CFR 231.10 which ensures reasonable protection of the environment and diligent development of the resource.

Paragraph (c) of this section would be applicable to all unit or cooperative agreements involving combined hydrocarbon leases. This section recognizes that 30 CFR Part 226 is written for oil and gas operations and, therefore, has some requirements and procedures that may be inappropriate to certain methods of tar sand development. However, to the extent applicable, the proposed rulemaking makes it clear that unit or cooperative agreements involving combined hydrocarbon leases should comply with the requirements of 30 CFR Part 226.

**Section 3141.1 General**

In accordance with section 6(a)(2) of the Combined Hydrocarbon Leasing Act, this section of the proposed rulemaking would establish that all public lands and acquired lands available for leasing within a Special Tar Sand Area shall be leased only by competitive bidding and to the highest responsible qualified bidder. Also, as set out in section 5 of the Act, it would establish that acreage covered by a lease within a Special Tar Sand Area is not chargeable against acreage



limitations established in existing oil and gas leasing regulations. Further, it authorizes the noncompetitive leasing of additional lands needed to support operations of the combined hydrocarbon lease. Such lands would be made available using the procedures included in Parts 2800, 2880 and 2920 of Title 43 of the Code of Federal Regulations unless the lands required are located within units of the National Park System in which case a permit or lease issued by the Regional Director of the National Park Service would be required.

#### Section 3141.2-1 Geophysical Exploration

This section of the proposed rulemaking would establish procedures to be followed in conducting tar sand exploration on the public lands by referring to the regulations in 43 CFR Part 3045. The procedures in that part would not allow core drilling nor the casual use of public lands for any needed tar sand exploration.

#### Section 3141.2-2 Exploration Licenses

This section of the proposed rulemaking would establish procedures which would allow a person(s) to conduct core drilling and other exploration activities within Special Tar Sand Areas for tar sand resources if an exploration license were obtained. All applications would be required to be processed in accordance with 30 CFR 231.10(b).

#### Section 3141.4-2 Consultation with Others

The provisions of existing regulations in 43 CFR Part 3100 are applicable to this subpart and would set the basis for consultation with other surface managing agencies prior to leasing of lands for combined hydrocarbons.

As authorized in section 11 of the Combined Hydrocarbon Leasing Act, this section of the proposed rulemaking would permit leasing of combined hydrocarbon within units of the National Park System with specified restrictions. These restrictions include: (1) that the law establishing the particular unit allow mineral development; (2) that tar sand development be in accordance with the applicable mineral management plan developed by the National Park Service; and (3) that there will be no significant adverse impact resulting from tar sand development in the National Park Service unit or contiguous units. At present this section would apply only to certain areas in the Glen Canyon National Recreation Area in which tar sands are present and mineral development is authorized.

#### Section 3141.5-3 Royalties and Rentals

This section would establish the rental and royalty rate for combined hydrocarbon leases. It is recognized by the Department of the Interior that some methods of extraction will result in the value of the product produced from tar sand being different from the value of a similar product produced using the more traditional methods. In accordance with section 7 of the Act, this section would allow the Secretary of the Interior, at the request of the lessee, to review and reduce the lease royalty rate prior to commencement of commercial operations with the intent of promotion development and maximizing production of resources requiring enhanced recovery methods. The section would also restate the authority granted by section 39 of the Mineral Lands Leasing Act (30 U.S.C. 209) by which the Secretary may reduce the royalty rate after commencement of commercial production.

#### Section 3141.6-1 Initiation of Competitive Lease Offering

This section would provide a process whereby the public and private industry can express an interest in leasing certain areas within the Special Tar Sand Areas. Such areas would be considered for competitive bidding after review and approval by the Bureau of Land Management.

The primary authors of this proposed rulemaking are Richard Aiken and Edward Coggs, Division of Coal, Tar Sands, and Oil Shale, Bureau of Land Management, Bob Randolph and Orvall Hadley, Utah State Office, assisted by William Murray, Division of Energy and Resources, Office of the Solicitor, Department of the Interior, the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, and other Bureau of Land Management and Department of the Interior staff.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The leasing procedures provided in this proposed rulemaking are available to all entities who wish to avail

themselves of the opportunity to lease combined hydrocarbon resources, regardless of the size of the entity. The proposed rulemaking follows the guidance set out in the Combined Hydrocarbon Leasing Act and is designed to provide an equitable process for leasing and development of combined hydrocarbon resources.

The information collection requirements contained in 43 CFR Subpart 3141 have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

#### List of Subjects in 43 CFR Part 3140

Administrative practice and procedure, Environmental protection, Mineral royalties, Oil and gas reserves, Public lands—mineral resources.

#### PART 3140—COMBINED HYDROCARBON LEASING

Under the authority of the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070), the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.), the Mineral Lands Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), it is proposed to amend Group 3100, Subchapter C, Chapter II of the Code of Federal Regulations by adding a new Subpart 3141 as follows:

#### Subpart 3141—Competitive Leasing in Special Tar Sand Areas

Sec.

- 3141.0-1 Purpose.
- 3141.0-3 Authority.
- 3141.0-5 Definitions.
- 3141.0-8 Effect of existing regulations.
- 3141.1 General.
- 3141.2 Prelease exploration within Special Tar Sand Areas.
- 3141.2-1 Geophysical exploration.
- 3141.2-2 Other exploration.
- 3141.3 Land use plans.
- 3141.4 Consultation.
- 3141.4-1 Consultation with the Governor.
- 3141.4-2 Consultation with others.
- 3141.5 Leasing procedures.
- 3141.5-1 Economic evaluation.
- 3141.5-2 Term of lease.
- 3141.5-3 Royalties and rentals.
- 3141.5-4 Lease size.
- 3141.5-5 Dating of lease.
- 3141.6 Sale procedures.
- 3141.6-1 Initiation of competitive lease offering.
- 3141.6-2 Publication of notice of competitive lease offering.
- 3141.6-3 Conduct of sales.
- 3141.6-4 Qualifications.
- 3141.6-5 Rejection of bid.



3141.6-6 Consideration of next highest bid.

3141.7 Award of lease.

Authority. 30 U.S.C. 181 et seq., 351 et seq., 43 U.S.C. 1701 et seq., 95 Stat. 1070.

### Subpart 3141—Competitive Leasing in Special Tar Sand Areas

#### § 3141.0-1 Purpose.

This subpart provides procedures for the competitive leasing of lands and issuance of Combined Hydrocarbon Leases within Special Tar Sand Areas.

#### § 3141.0-3 Authority.

These regulations are issued under the authority of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070).

#### § 3141.0-5 Definitions.

As used in this subpart, the term:

(a) "Combined hydrocarbon lease" means a lease issued in a Special Tar Sand Area for the removal of any gas and nongaseous hydrocarbon substance other than coal, oil shale or gilsonite.

(b) "Special Tar Sand Area" means an area designated by the Secretary of the Interior's Orders of November 20, 1980 (45 FR 76800), and January 21, 1981 (46 FR 6077), and referred to in those orders as Designated Tar Sand Areas, as containing substantial deposits of tar and sand.

(c) "Tar sand" means any consolidated or unconsolidated rock (other than coal, oil shale or gilsonite) that either: (1) contains a hydrocarbonaceous material with a gas-free viscosity, at original reservoir temperature greater than 10,000 centipoise, or (2) contains a hydrocarbonaceous material and is produced by mining or quarrying.

#### § 3141.0-8 Effect of existing regulations.

(a) The provisions of Part 3100 of this title apply to the issuance and administration of combined hydrocarbon leases issued under this subpart; except that chargeable acreage, acreage limitations, royalty and rental rates, and primary terms are controlled by the provisions of this subpart.

(b) Prior to commencement of operations, the lessee shall develop and submit to the District Mining Supervisor of the Minerals Management Service a plan of operations as described in 30 CFR 231.10 which ensures reasonable protection of the environment and diligent development of the resource.

(c) The provisions of 30 CFR Part 226 shall serve as general guidance to the

issuance and administration of combined hydrocarbon leases issued under this subpart to the extent applicable to unit or cooperative agreements.

#### § 3141.1 General.

(a) All hydrocarbons, except coal, oil shale and gilsonite, within a Special Tar Sand Area subject to the issuance of a combined hydrocarbon lease shall be leased only by competitive bonus bidding and only combined hydrocarbon leases shall be issued for such resources.

(b) The acreage of combined hydrocarbon leases held within a Special Tar Sand Area shall not be charged against acreage limitations for the holding of oil and gas leases.

(c)(1) The authorized officer may noncompetitively lease additional lands for ancillary facilities in a Special Tar Sand Area that are shown by an applicant to be needed to support any operations necessary for the recovery of tar sand. Such uses include, but are not limited to, mill siting or waste disposal. An application for a lease or permit to use additional lands shall be filed under the provisions of part 2920 of this title with the Utah State Office of the Bureau of Land Management. The application for additional lands may be filed at the time a plan of operations is filed.

(2) A lease for the use of additional lands shall not be issued under this part when the use can be authorized under part 2800 of this title. Such uses include, but are not limited to, reservoirs, pipelines, electrical generation systems, transmission lines, roads and railroads.

(3) Within units of the National Park System, permits or leases for additional lands shall be issued only by the National Park Service. Applications for such permits or leases shall be filed with the Regional Director of the National Park Service.

#### § 3141.2 Prelease exploration within Special Tar Sand Areas.

##### § 3141.2-1 Geophysical exploration.

Geophysical exploration in Special Tar Sand Areas shall be governed by subpart 3045 of this title. Information obtained under a permit shall be made available upon request to the Minerals Management Service.

##### § 3141.2-2 Exploration licenses.

(a) Any person(s) qualified to hold a lease under the provisions of subpart 3102 of this title and this subpart may obtain an exploration license to conduct core drilling and other exploration activities to collect geologic, environmental and other data concerning tar sand resources within a

Special Tar Sand Area. The application for such a license shall be submitted to the Utah State Office of the Bureau of Land Management. No drilling for oil or gas will be allowed under an exploration license issued under this subpart. No specific form is required for an application for an exploration license.

(b) The application for an exploration license shall be subject to the following requirements:

(1) Each application shall contain the name and address of the applicant(s);

(2) Each application shall be accompanied by a nonrefundable filing fee of \$250.00;

(3) Each application shall contain a description of the lands covered by the application according to section, township and range in accordance with the official survey;

(4) Each application shall include 3 copies of an exploration plan which complies with the requirements of 30 CFR 231.10(a); and

(5) An application shall cover no more than 5,120 acres, which shall be as nearly compact as possible, except the authorized officer may grant an exploration license for more than 5,120 acres upon a showing by the applicant of a need for an exception to the normal limitation of 5,120 acres.

(c) Applicants for exploration licenses shall provide an opportunity for others to participate in exploration activities under any exploration license on a pro rata cost sharing basis. The invitation to participate shall meet the following:

(1) Simultaneously with the filing of an application for an exploration license under this section, the applicant shall publish a Notice of Invitation, approved by the authorized officer, once a week for 2 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands covered by the license application are situated. The notice shall contain an invitation to participate in the exploration under the license. Copies of the Notice of Invitation shall be filed with the authorized officer at the time of publication and shall be posted in the Utah State Office of the Bureau of Land Management at least 30 days prior to the issuance of an exploration license;

(2) Any person seeking to participate in the exploration program described in the Notice of Invitation shall notify the authorized officer and the applicant in writing of such intention within 30 days after posting in the Utah State Office of the Bureau of Land Management. The authorized officer may: (i) to avoid duplication of exploration activities in an area, require modification of the



original exploration plan to accommodate the exploration needs of person(s) seeking to participate, or (ii) notify the person seeking to participate that he/she file a separate application for an exploration license.

(d) The authorized officer may accept or reject an exploration license application. If the authorized officer determines that an application covers exploration operations that could have been conducted as part of exploration under an existing or recent exploration license, the application may be rejected. An exploration license shall become effective on the date specified by the authorized officer as the date when exploration activities may begin. The exploration plan approved by the Minerals Management Service shall be attached and made a part of each exploration license.

(e) An exploration license shall be subject to these terms and conditions:

(1) The license shall be for a term of not more than 2 years;

(2) The rental shall be \$2 per acre per year payable in advance;

(3) The licensee shall provide a bond in an amount determined by the authorized officer after consultation with the Mining Supervisor, but not less than \$5,000. The authorized officer may accept bonds furnished under subpart 3104 of this title as compliance with the requirement of this section. The period of liability under the bond shall be terminated only after the authorized officer determines that the terms and conditions of the license, the exploration plan and the regulations have been met;

(4) The licensee shall provide to the Minerals Management Service all required information obtained under the license. Any information provided shall be treated as confidential and proprietary, if appropriate, at the request of the licensee, but only until the lands covered by the application have been leased or for 3 years, whichever occurs first;

(5) Operations conducted under a license shall not unreasonably interfere with or endanger any other lawful activity on the same lands, shall not damage any improvements on the lands, and shall not result in any substantial disturbance to the surface of the lands and their resources;

(6) The authorized officer shall include in each license requirements and stipulations to protect the environment and resource values in the area and to ensure reclamation of the land disturbed by exploration operations;

(7) When a licensee notices the authorized officer that he/she has encountered unforeseen conditions that could result in an action prohibited by

subparagraph (5) of this section, or when warranted by geologic or other physical conditions, the authorized officer, after consultation with the District Mining Supervisor, may adjust the terms and conditions of the exploration license, or the District Mining Supervisor, after consultation with the authorized officer, may direct adjustment in the exploration plan;

(8) The licensee may request modification of the exploration plan. The District Mining Supervisor may approve the modifications after consultation with the authorized officer and after any necessary adjustments to the terms and conditions of the license are accepted in writing by the licensee; and

(9) The license shall be subject to termination or suspension as provided in § 2920.9-3 of this title.

#### § 3141.3 Land use plans.

No lease shall be issued under this subpart unless the proposed use of the lands covered by the lease has been found in conformance with a land use plan developed under Part 1600 of this title or an approved Minerals Management Plan of the National Park Service. The decision to hold a lease sale and issue leases shall be in conformance with the appropriate plan.

#### § 3141.4 Consultation.

##### § 3141.4-1 Consultation with the Governor.

The authorized officer shall consult with the Governor of Utah before publishing a notice of lease sale and provide the Governor a minimum of 30 days to respond to a proposed sale.

##### § 3141.4-2 Consultation with others.

The issuance of combined hydrocarbon leases within units of the National Park System shall be allowed only where mineral leasing is permitted by law and where the lands are open to mineral resource disposition in accordance with any applicable Minerals Management Plan of the National Park Service. (See § 3101.4-5 of this title) In order to consent to any issuance or subsequent development under a combined hydrocarbon lease requiring further approval, the Regional Director of the National Park Service in accordance with § 3109.5-2 of this title.

#### § 3141.5 Leasing procedures.

##### § 3141.5-1 Economic evaluation.

The authorized officer shall request from the Minerals Management Service an economic evaluation of the total hydrocarbon resource of the lease area exclusive of coal, oil shale or gilsonite.

Minimum acceptable bids shall be not less than \$25 per acre.

##### § 3141.5-2 Term of lease.

Combined hydrocarbon leases shall have a primary term of 10 years and shall remain in effect so long thereafter as oil or gas is produced in paying quantities.

##### § 3141.5-3 Royalties and rentals.

(a) The royalty rate on all combined hydrocarbon leases is 12½ percent of the value of production removed or sold from a lease. The Minerals Management Service shall be responsible for assessing and administering royalties.

(b) The lessee may request the Secretary to reduce the royalty rate applicable to tar sand prior to commencement of commercial operations in accordance with § 3103.3-7 of this title and in order to promote development and maximum production of the tar sand resource after commencement of commercial operations. Supporting evidence shall be submitted with the request. Procedures for requesting royalties reduction are included in 30 CFR Part 231.

(c) The rental rate for a combined hydrocarbon lease shall be \$2 per acre per year, and shall be payable annually in advance.

(d) Except as explained in paragraphs (a), (b), and (c) of this section, all other provisions of subpart 3103.3 of this title apply to combined hydrocarbon leasing.

##### § 3141.5-4 Lease size.

Combined hydrocarbon leases shall not exceed 5,120 acres.

##### § 3141.5-5 Dating of lease.

A combined hydrocarbon lease shall be effective as of the first day of the month following the date the lease is signed on behalf of the United States, except that where prior written request is made, a lease may be made effective on the first of the month in which the lease is signed.

##### § 3141.6 Sale procedures.

##### § 3141.6-1 Initiation of competitive lease offering.

The Bureau of Land Management may, in its own motion, offer lands through competitive bidding. A request or expression(s) of interest in tract(s) for competitive lease offerings shall be submitted in writing to the Utah State Office of the Bureau of Land Management Office.

##### § 3141.6-2 Publication of a notice of competitive lease offering.

Where a determination to offer lands for competitive leasing is made, a notice



shall be published of the lease sale in the **Federal Register** and a newspaper of general circulation in the area in which the lands to be leased are located. The publication shall appear once in the **Federal Register** and at least once a week for 3 consecutive weeks in a newspaper, or for other such periods deemed necessary. The notice shall specify the time and place of sale, the manner in which the bids may be submitted; the description of the lands; the terms and conditions of the lease, including the royalty and rental rates; the minimum acceptable bid for each tract; and shall state that the terms and conditions of the leases are available for inspection and bid forms may be obtained in the Utah State Office of the Bureau of Land Management.

#### § 3141.6-3 Conduct of sales.

(a) Competitive sales shall be conducted by the submission of written sealed bids followed by oral bidding. A sealed bid of not less than the published minimum acceptable bid shall be submitted before participation in the oral auction may occur. In oral auction sales, the higher bidder shall confirm his/her bid in writing immediately upon being declared the high bidder.

(b) In the event that only 1 sealed bid is received and it is equal to or greater than the minimum acceptable bid, that bid shall be considered the highest bid.

(c) The authorized officer may reject any or all bids.

(d) The authorized officer may waive minor deficiencies in the bids or the lease sale advertisement.

(e) A bid deposit of one-fifth of the amount of the sealed bid shall accompany the sealed bid. All bid deposits shall be in the form of either a certified check, money order, bank cashier's check or cash. A high oral bidder shall, by the close of business on the day of the oral auction, bring the bid deposit up to one-fifth of the oral bid.

#### § 3141.6-4 Qualifications.

Each bidder shall submit with the bid a signed statement with respect to compliance with the provisions of subpart 3102 of this title.

#### § 3141.6-5 Rejection of bid.

If the high bid is rejected for failure by the successful bidder to execute the lease forms and pay the balance of the bonus bid, or otherwise to comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited.

#### § 3141.6-6 Consideration of next highest bid.

The Department reserves the right to accept the next highest bid if the highest bid is rejected. In no event shall an offer be made to the next bidder if the difference between his/her bid and that of the successful bidder is greater than the one-fifth bonus forfeited by the rejected successful bidder.

#### § 3141.7 Award of lease.

After determining the highest responsible qualified bidder, the authorized officer shall send 3 copies of the lease on a form approved by the Director, and any necessary stipulations, to the successful bidder. The successful bidder shall, not later than the 15th day after receipt of the lease, execute the lease, pay the balance of the bid and the first year's rental, and file a bond as required in subpart 3104 of this title. Failure to comply with this section shall result in rejection of the lease.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

May 27, 1982.

[FR Doc. 82-15967 Filed 6-14-82; 8:45 am]

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# Test Report

Monday  
June 14, 1982

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## Part IV

### Department of Health and Human Services

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Office of Human Development Services

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Administration for Native Americans



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Human Development Services

[Program Announcement 13612-831]

### Acceptance of Financial Assistance Applications by Administration for Native Americans

**AGENCY:** Office of Human Development Services, HHS.

**SUBJECT:** Announcement of Available Fiscal Year 1983, Financial Assistance for Native American Projects.

**SUMMARY:** The Administration for Native Americans (ANA) announces that applications are being accepted for financial assistance under section 803 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the Code of Federal Regulations in 45 CFR Part 1336.

**DATES:** The closing date for receipt of all applications is 90 days prior to the Budget Period End Date (BPE) of the current ANA grant.

#### Scope of this Program Announcement

This program announcement is directed to the attention of Fiscal Year 1982 ANA grantees. It solicits applications for FY '83 grants; notifies the public of the Administration for Native Americans' funding priorities for Fiscal Year 1983; and provides guidance in the preparation of their applications for FY '83 funding from the Administration for Native Americans.

This announcement is intended to solicit applications only from Indian tribes and Native American organizations which are FY '82 grantees of ANA. Competition for other grant awards in FY '83 will be announced separately in the Federal Register.

#### Program Purpose

The purpose of the Administration for Native Americans is to promote economic and social self-sufficiency for American Indians, Alaska Natives, and Native Hawaiians. Self-sufficiency is the level of development and degree to which a Native American community can provide for the needs of its community members and pursue its own social and economic goals. ANA has three goals:

- A. To develop or strengthen tribal governments and Native American institutions and local leadership to assure local control and decision making over all resources.
- B. To foster the development of stable, diversified local economies and

economic activities which provide jobs, promote economic well-being, and reduce dependency on welfare services.

C. To support local access to and coordination of services and programs which safeguard the health and well-being of Native Americans and are essential to a thriving and self-sufficient community.

#### ANA Program Goals

In FY 1982, the Administration for Native Americans implemented a new program direction that moved from the previous emphasis on core administration and filling service gaps to a community-based social and economic development strategy (SEDS). For FY 1983, ANA continues this broader focus which promotes self-determination and local decision-making through support for balanced social, economic and governmental development of Native American communities.

Consistent with ANA's mission of promoting self-sufficiency, the goal of the ANA program is to provide financial assistance to Indian tribes and Indian, Alaska Native and Hawaiian Native organizations to enable them to create and implement effective local social and economic development strategies. The implementation of these strategies is expected to result in sustained improvement in the social and economic conditions of Native Americans within the community, as well as in increased effectiveness and efficiency of the Indian tribe or Native American organization in defining and achieving its own economic and social goals.

The local community has primary responsibility for determining its own needs and priorities and for planning and implementing its own programs. A balanced and interrelated approach to social and economic development is the most workable and appropriate way in which self-sufficiency can be attained. Only the local community is in a position to apply its own cultural values, and weigh the trade-offs in deciding on various strategies and programs which have socio-cultural as well as economic consequences.

Because the local community knows the appropriate activities required to create its own social and economic balance, it is ANA's policy to strengthen tribes and Native American organizations in providing direction to social and economic development and in coordinating all resources, Federal and non-Federal, toward locally determined priorities. It is also ANA's policy to support the development of local leadership, on and off the reservation, in

planning and implementing local programs which meet community needs.

#### Project Objectives

The purpose of this program announcement is to provide financial assistance grants to Indian tribes and Native American organizations to support locally determined social and economic development strategies that promote self-sufficiency for Native American communities. The applications must identify and address community specific goals and objectives that fall within the parameters of ANA's three program goals. The proposed project(s) must directly relate to social and economic development in the community in keeping with local needs, resources and cultural values.

#### Specialized Assistance Required

Program funds may be used for obtaining specialized outside assistance necessary to achieve the project objectives. The specialized assistance must be sufficiently detailed in the work plan to make clear its relationship to the project objectives and to demonstrate how it will facilitate the applicant's ability to achieve local objectives. The specialized assistance should be defined in terms of task, expertise, staff time, cost and time schedule.

#### Eligible Applicants

Only Indian tribes and Native American organizations which are FY '82 grantees of the Administration for Native Americans are eligible to apply. See Appendix A for a partial list of FY '82 ANA grantees funded to date. The final list of all grantees funded in FY '82 will be published later. Any FY '82 ANA grantees not listed should contact their ANA program specialist for clarification if necessary.

#### Budget Consideration

ANA anticipates that \$22 million will be available for financial assistance grants to Indian tribes and Native American organizations in Fiscal Year 1983. Approximately 135 grants will be funded. The number and amount of grants depends on the availability of funds and the conditions set forth in this program announcement.

#### Grantee Share of Project

Grantees must provide up to 20% of the total approved cost of the project in cash or in kind. The contributions must be project related and must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q.



Under certain circumstances, some or all of the non-Federal share may be waived by ANA. Further explanation is contained in § 1336.52 of ANA's regulations (45 CFR 1336).

#### The Application Process

**Availability of Forms.** An application kit, containing the necessary forms will be sent to all eligible applicants 180 days prior to the Budget Period End date of their current ANA grant.

**Application submission.** The grant application, including all attachments, must be submitted 90 days prior to the Grantee's Budget Period End (BPE) date to: Department of Health and Human Services, Office of Human Development Services, Grants Management Branch, HHS Building, Room 1740, 330 Independence Avenue, SW., Washington, D.C. 20201, Attention: 13612-831.

The application must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including applicable rules and regulations.

**A-95 notification process.** In compliance with the Department of Health and Human Service's implementation of the Office of Management and Budget Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants, with the exception of Federally recognized tribes, must notify both the State and Areawide Clearinghouses of their intent to apply for Federal financial assistance prior to applying. Some State and Areawide Clearinghouses provide their own forms and others use the facesheet (SF-424) of the application form. Contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how your organization can meet the A-95 requirements.

**Application consideration.** The Commissioner determines the final action to be taken on each grant application. Applications which are complete and on time will be evaluated against the published criteria by a panel of ANA staff. The ANA program specialist for the particular applicant will provide written comments on the application to the Commissioner and will also review the applicant's compliance with ANA administrative requirements, such as the submission of the required financial reports, project progress reports and audits. The above reviews assist the Commissioner in his consideration of each application. The Commissioner also takes into account the comments of the A-95 Clearinghouse and other interested parties. The

Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision to disapprove, defer or fund a grant application, unsuccessful applicants will be notified in writing. Successful applicants will be notified through an official Notice of Financial Assistance Awarded. This notice states the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period, and the amount of grantee participation.

#### Criteria for Review and Condition for Funding

Applications which are late or incomplete will be returned without consideration for funding. The applicant's performance in the timeliness and adequacy of the submission of the required reports for the previous and current year will be reviewed and will be a factor in the Commissioner's final funding decision.

**Evaluation Criteria:** Applications which are complete and on time will be evaluated against the following criteria:

(1) Overall application specifies community goals and priorities which reflect a local social and economic development strategy (SEDS) and demonstrates applicability toward achieving social and economic self-sufficiency for the Native American community within the framework of ANA's three goals. (30 points)

(2) Application contains objectives which are results oriented, quantifiable, measurable and directly contribute to achieving local goals and priorities. (20 points)

(3) Application identifies a work plan of proposed activities which are clearly defined, sufficiently detailed to explain the tasks to be done, and relate to each objective. (20 points)

(4) Application presents a detailed budget, with complete explanations and justifications of line items, including specialized assistance if needed, and is directly related to the activities which are set forth in the work plan. Budget must be of reasonable cost to the government. (10 points)

(5) Application identifies all proposed key personnel and demonstrates their qualifications to achieve project objectives by resumes and/or position descriptions. (5 points)

(6) Application provides sufficient evidence of the necessary management and administrative capabilities in fiscal, personnel and property matters to

justify receipt of Federal funds to ensure accountability. (5 points)

(7) Application describes a plan for a coordinated use of total current non-ANA and future non-ANA resources for the project which will support continued social and economic development for the community. (5 points)

(8) Application provides evidence of achievement toward grantee's current ANA-supported objectives. (5 points)

Maximum Score—100 points.

#### Due Date for Receipt of Application

The due date for applications submitted in response to this program announcement is 90 days prior to the applicant's current Budget Period End date. See Appendix A for a partial list of due dates. The final list will be published at a later date.

Applications may be mailed or hand delivered. An application will be considered on time if it is received on or before close of business of the correct due date in the OHDS Grants Receiving Office in Washington, D.C. The official time or date of receipt is that registered by the Department of Health and Human Services.

Applications received after the due date because they were mailed or hand delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program No. 13.612 Native American Programs)

Dated: May 28, 1982.

A. David Lester,  
Commissioner, Administration for Native Americans.

Approved: June 9, 1982.

Dorcas R. Hardy,  
Assistance Secretary for Human Development Services.

#### APPENDIX A.—ADMINISTRATION FOR NATIVE AMERICANS FINANCIAL ASSISTANCE GRANTS

Grantee	State	BPE	Application due date
Spokane Tribe of Indians.....	WA .....	10/31/82	8/3/82
Lumbee Regional Development Assoc. Inc.	NC .....	10/31/82	8/3/82
Six Sandoval Indian Pueblos, Inc.	NM .....	10/31/82	8/3/82
Rosebud Sioux Tribe.....	SD .....	10/31/82	8/3/82
Organization of the Forgotten American.	OR .....	10/31/82	8/3/82
American Indian Center of Omaha, Inc.	NE .....	10/31/82	8/3/82
Alu Like, Inc .....	HI .....	11/30/82	9/2/82
Ute Mountain Ute Tribe .....	CO .....	11/30/82	9/2/82
Cheyenne and Arapaho Tribes of Oklahoma.	OK .....	11/30/82	9/2/82
Cumberland County Association for Indian People.	NC .....	11/30/82	9/2/82
Oklahomans for Indian Opportunity.	OK .....	12/31/82	10/3/82



APPENDIX A.—ADMINISTRATION FOR NATIVE  
AMERICANS FINANCIAL ASSISTANCE  
GRANTS—Continued

Grantee	State	BPE	Appli- cation due date
American Indian Scholarship, Inc.	NM.....	12/31/82	10/3/82
Southern Ute Indian Tribe.....	CO.....	12/31/82	10/3/82
Cheyenne River Sioux Tribe.....	SD.....	12/31/82	10/3/82
San Carlos Apache Tribe.....	AZ.....	12/31/82	10/3/82
Hikiola Cooperative.....	HI.....	1/31/83	11/3/82
Abenaki Self-Help Association, Inc.	VT.....	1/31/83	11/3/82
American Indians for Develop- ment, Inc.	CT.....	1/31/83	11/3/82
Wampanoag Tribal Council of Gay Head, Inc.	MA.....	1/31/83	11/3/82
Narragansett Tribal Education Project, Inc.	RI.....	1/31/83	11/3/82
White Earth Reservation Busi- ness Committee.	MN.....	2/28/83	12/1/82
Blackfeet Tribe.....	MT.....	2/28/83	12/1/82
Pueblo of Laguna.....	NM.....	2/28/83	12/1/82
Shoshone-Arapaho Joint Coun- cil.	WY.....	2/28/83	12/1/82
Lincoln Indian Center, Inc.....	NE.....	2/28/83	12/1/82
Council of Energy Resources Tribes, Inc.	DC.....	2/28/83	12/1/82
Leech Lake Reservation Busi- ness Committee.	MN.....	3/31/83	1/1/83
Oneida Tribe of Indians of Wis- consin.	WI.....	3/31/83	1/1/83
The Business Committee of the Chippewa Cree.	MT.....	3/31/83	1/1/83
Eight Northern Pueblos Council, Inc.	MN.....	3/31/83	1/1/83
Native Americans for Communi- ty Action, Inc.	AZ.....	3/31/83	1/1/83
Miccosukee Tribe of Florida.....	FL.....	4/30/83	1/31/83
Hoop Valley Indian Reserva- tion.	CA.....	4/30/83	1/31/83
Fort McDermitt Paiute-Shosho- ne Tribe.	CA.....	4/30/83	1/31/83
Pueblo de Acoma.....	NM.....	4/30/83	1/31/83
Standing Rock Sioux Tribe.....	SD.....	4/30/83	1/31/83
Eastern Band of Cherokee.	NC.....	4/30/83	1/31/83
Indian Development District of Arizona.	AZ.....	4/30/82	1/31/83
Aleutian/Pribilof Islands Assn.....	AK.....	4/30/83	1/31/83
Keweenaw Bay Indian Commu- nity.	MI.....	4/30/83	1/31/83
American Indian Center.....	CA.....	4/30/83	1/31/83
Cooper River Native Assn.....	AK.....	4/30/83	1/31/83
Saginaw Chippewa Indian Tribe.....	MI.....	4/30/83	1/31/83
Reno Sparks Indian Colony.....	NV.....	4/30/83	1/31/83
Council for Tribal Employment Rights.	WA.....	4/30/83	1/31/83
Rhode Island Indian Council.....	RI.....	4/30/83	1/31/83
Muscogee Creek Nation.....	OK.....	4/30/83	1/31/83
Havasupai Tribal Council.....	AZ.....	5/31/83	3/3/83
Small Tribes Organization of Western Washington.	WA.....	5/31/83	3/3/83
Sioux City American Indian Center, Inc.	IA.....	5/31/83	3/3/83

[FR Doc. 82-15962 Filed 6-11-82; 8:45 am]

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Monday, June 14, 1982

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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

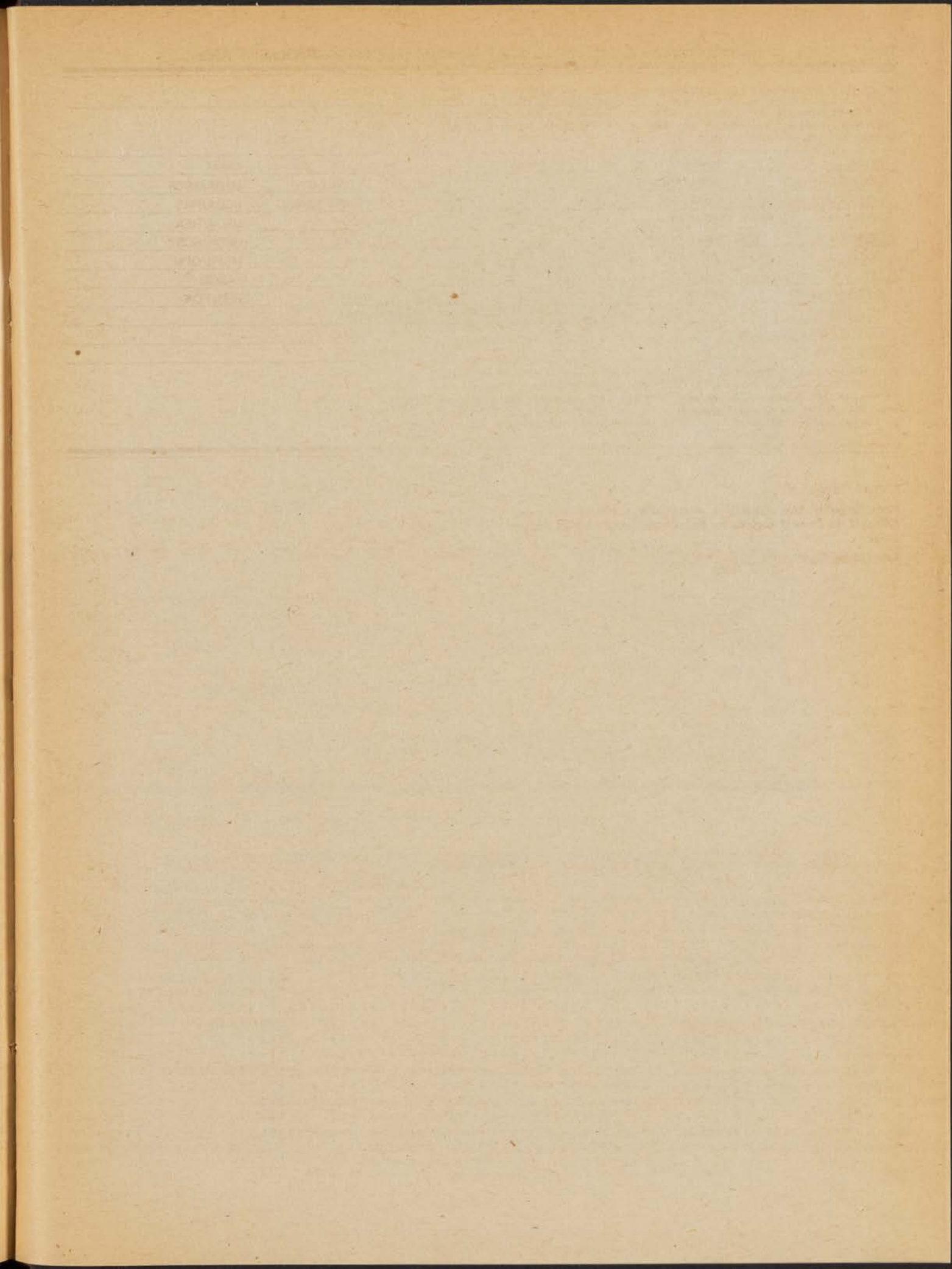
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

**List of Public Laws**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last Listing June 9, 1982















The image shows three overlapping volumes of the Code of Federal Regulations, specifically the Agriculture section. The top volume is clearly labeled 'code of federal regulations' in large, bold, sans-serif letters. Below this, the word 'Agriculture' is printed in a smaller font. The volume number '7' is prominently displayed in the center. At the bottom, it says 'U.S. GOVERNMENT PRINTING OFFICE'. The spines of the books are visible, showing the same design. The books are bound in a light-colored, textured material, possibly cloth or paper.

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